With J. Mann's Compts.

CHANGES IN THE DIVINE SERVICE OF THE SYNAGOGUE DUE TO RELIGIOUS PERSECUTIONS

BY

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Introduction*

RELIGIOUS persecutions, or rather persecutions directed against the steadfast adherence of the Jewish people to its conception of God and His teachings, naturally aimed first of all at the divine service of the synagogue. There the Jewish people gave public expression to its religious beliefs, its hopes and aspirations. The liturgy of the synagogue reechoed the doctrine of Judaism, proclaimed the unity of God and the uniqueness of

*The following abbreviations, besides the customary ones for periodicals, will be used in the subsequent pages.

'Amram = סדר רב עמרם גאון, ed. Warsaw, 1865; ed. Fr. = סדר רב עמרם השלם, ed. Frumkin, Jerusalem, 1912.

Elbogen = Elbogen, *Der jüd. Gottesdienst*, 1913; the notes are cited from the 2nd edition.

'Ittim = Judah b. Barzillai, ספר העתים, ed. Schor, 1902.

Mann = Mann, Genizah Fragments of the Palestinian Order of Service (in *Hebrew Union College Annual*, II, pp. 269–338).

Nöldeke, *Ṭabarī = Geschichte der Perser u. Araber zur Zeit der Sassaniden.* Aus der arab Chronik des Ṭabarī übersetst u. mit ausführlichen Erläuterungen u. Ergänzungen versehn von Th. Nöldeke, Leyden, 1879.

S. E. R. = סדר אליהו רבה וסדר אליהו זוטא, ed. Friedmann, 1902.

Soferim = מסכת סופרים, ed. Müller, 1878.

Vitry = מחזור ויטרי, ed. S. Hurwitz, 1889.

או"ז = Isaac of Vienna, אור זרוע, Zhitomir.

נ"ל = תשובות הגאונים, ed. Musafia, Lyck.

ר"ס = R. Rabbinovicz, דקדוקי סופרים.

ח"נ = תשובות הגאונים חמדה גנוזה, Jerusalem.

ה"פ = תשובות הגאונים הלכות פסוקות, ed. Müller.

שבה"ל = Ṣedekiah b. Abraham, שבלי הלקט, ed. Buber.

ש"ש = Isaac ibn Gayyat, שערי שמחה, ed. Bamberger.

ש"ת = תשובות הגאונים שערי תשובה.

תש"ר = בית נכות ההלכות או תורתן של ראשונים, ed. Horowitz, 1881.

Israel, and reiterated the story of the Bible, the exalted orations of the Prophets and the soul-stirring outpourings of the Psalmists. Within the scheme of the order of divine service of the synagogue the preachers and interpreters found the opportunity of instructing and edifying the worshippers by the living word of the Torah.

Some of these doctrines, publicly proclaimed in the synagogue, were construed by the ruling religions as challenges to their own teachings. The arm of the state was wielded to proscribe these doctrines. The Jews had to bow to the *force majeure* without giving up in the least their cherished beliefs and without their spiritual leaders lacking in ways and means of how to nullify the edicts that violated their elementary rights of religious conviction. Changes had to be made in the service to meet the new conditions imposed by the power of the state and the traces of these changes remained even after the emergencies, that had called them forth, disappeared with the setting in of new eras in the history of the nations to whom the Jews were subject.

We propose to discuss here anew the data recording these changes in the service of the synagogue. The material available refers chiefly to the two great centers of Jewry at the beginning of the Middle Ages, to Palestine and to Babylon. The triumph of Christianity in the Roman Empire since the times of Constantine the Great (312 C. E.) till the conquest of the Holy Land by the Arabs (634–40 C. E.) had as a sequel the rising tide of intolerance towards the Jews in Palestine. In Babylon a change to the worse in the condition of her large Jewry set in towards the end of the reign of Yezdejerd II (454–5 C. E.) continuing with interruptions again to the period of the arrival of the Arabs (637 C. E.). The liturgy of the synagogue in both these countries received its more or less fixed form just during these periods when it had at the same time to withstand the pressure exerted by the ruling religions of Christianity and Zoroastrianism respectively. The records of this pressure and of the counteraction on the part of the Jewish spiritual leaders are scanty and often obscure. They are not contemporaneous but date chiefly from the Gaonic period when both Palestine and Babylon were already under Muslim sway. Yet they evidently are more or less based on trustworthy

traditions that have come down from the times of trial and tribulation

The two great religious persecutions that visited the Jewish people in Palestine previously, the one of Antiochus Epiphanes (168 B. C. E. and following) and the other of Hadrian (135–138 C. E.) have left no recorded changes in the liturgy[1], in the first instance, and only a few cases, in the second one, for the good reason that during both of them the practice of Judaism as a whole had been prohibited. There was no question of modifying or eliminating certain features of the liturgy when the whole service of the Temple, in the former case, and of the synagogue, in the second one, had been proscribed as a part, indeed a prominent one, of the obnoxious religion of Judaism. Not so in the periods under discussion in this paper when Judaism as a whole had to be granted the right to existence and the state in Byzantium and in Persia respectively, at the instigation of the spokesmen of the ruling faiths, insisted only upon the elimination of certain objectionable features, which it had construed as public challenges on the part of the Jews to the doctrines of the respective religions supreme in the two empires then containing the predominant part of the Jewish people.

In Babylon these objectionable features consisted of the emphatic declaration of the unity of God (the Shema') as against the dualism of Zoroastrianism. A distinct polemic against the latter was also found in the exalted orations of Deutero-Isaiah that were used in the Haftarot (נחמות שבישעיה). In Palestine more features of the liturgy found offence in the eyes of the church upheld by the Byzantine government. The Shema', the Trishagion (Ḳedushah), the 'Amidah (especially the twelfth benediction known as ברכת המינים), the preachings and teachings of the Rabbis (the Deuterōsis)—these were the offensive portions which the

[1] About the supposed introduction of the Haftarah owing to Antiochus' prohibition of the reading of the Torah, see *infra*, p. 282. About the change in the time of sounding the Shofar on Rosh Hashanah, stated to have taken place during the Hadrianic persecutions, see *infra*, p. 299 ff., and about the rite of Tephillin, *infra*, p. 296. The changes in several religious customs owing to the dangers (סכנה) during the Hadrianic persecutions are outside the scope of this paper which deals only with the service of the synagogue.

state tried to eliminate from the public service of the synagogue. These points will be discussed here seriatim adding for completeness sake other details of the divine service that called forth objections in the Gentile environment in which the Jews were living.

Since our data are not contemporaneous but emanate chiefly from the later Gaonic period they have to be taken with great caution. The question frequently arises whether they are not *post eventum* explanations of liturgical features that could not be accounted for otherwise and therefore the general hypothesis of having been due to שעת השמד[2] was conveniently advanced as their reason. Yet this general and oft repeated tradition of changes in the liturgy because of religious persecutions seems to be well-grounded and it would be hypercritical to dismiss it altogether as unhistorical. Anyhow the problem deserves to be traced and examined in its manifold ramifications.

I

Changes due to the opposition against the Shema'.

It would not be in keeping with our theme to discuss here anew the origin of the Shema' in the service of the synagogue and to trace the successive stages through which the Shema' was formed into a composite whole consisting of three Biblical passages (Deut. 6.4–9, 11.13–21 and Numbers 15.37–41) introduced and concluded by benedictions (see Ber. 1.4)[3] The recital of the Shema' *twice daily*, morning and evening, was already an old established custom in the first century, C. E., still before the destruction of the Second Temple. The Shema' assumed its characteristic significance not only as a solemn theological asseveration of monotheism as against dualism, trinity or polytheism but by the very designation of its first section (Deut.

[2] The prototype for this general hypothesis would thus be the passage concerning the change in the time of sounding the Shofar in R. H. 32b בשעת גזרת המלכות שנו, the correct reading of which is בשעת השמד שנו (cf. *Dikduke Soferim*, a. l.). See *infra*, p. 299, note 124.

[3] For the existing literature on this problem see Elbogen, *Der jüd. Gottesdienst*, p. 16, and notes (2nd ed.) pp. 513–515.

6.4–9) as "the acceptance of the yoke of heaven" (קבלת עול מלכות שמים, cf. M. Ber. 2.2, Babli 13b, 14b) the Shema' had also a political connotation as a challenge to the yoke of Rome, the wicked mundane rule. The third section with its concluding reference to the redemption from Egypt and the subsequent Geullah benediction kept afresh in the minds of the people the hope of the ultimate restoration of Israel when the eschatological "kingdom of heaven" would become supreme on earth.

The Talmudic literature records the recital of the Shema' *only twice daily* in accordance with the verse in Deut. 6.7 (ובשכבך ובקומך, cf. Ber. 1.3: בשעה שבני אדם שוכבים ובשעה שבני אדם עומדים). It became a characteristic token of Israel that declares "the unity of God twice daily with love."[4] Yet in the post-Talmudic liturgy that has come down to us the first verse of Shema' recurs several times in the service outside the scheduled place assigned to the Shema' in the conjunction with the Tefillah of Shaḥarit and Ma'arib. What were the causes of these insertions? Some reasons advanced by the early authorities trace these insertions to the times of persecutions (שעת השמד) and therefore claim our attention here.

1. Shema' in the section לעולם יהא אדם.

The portion of the morning service preceding ברוך שאמר, which was usually recited by the individual Jew at home before proceeding to the synagogue for the public worship,[5] contains the first verse of Shema'. In the Palestinian ritual it is introduced

[4] Thus in the morning prayer, to be discussed forthwith: שאנו . . . אשרינו משכימים ומעריבים ערב ובקר ואומרים בכל יום תמיד ויחידים את שמך ואומרים שמע וכו' (this is the reading in 'Amram, ed. Fr., I, 51a, but Vitry, p. 60, has ויחידים שמך פעמים); in Ḳedushah of Musaph (to be discussed farther on, p. 251 ff.), יחון עם המיחדים שמו ערב ובקר פעמים באהבה שמע אומרים (the phrase פעמים באהבה was attacked already by Ben Baboi (about 800 C. E.), see *infra*, p. 255, note 26); likewise in the litany of והוא רחום we read חון אום המיחדים שמך פעמים בכל יום. See also Cant. R. 7.11: ויחידים שמו שתי פעמים ואומרים שמע וכו'. Cp. further S. E. R., pp. 13 and 15, and especially *infra*, notes 7 and 18.

[5] See the data discussed by Mann, *H. U. C. Annual*, II, p. 273, and cf. also the account of Natan Ha-Babli (in Neubauer, *Med. Jew. Chron.*, II, 83): וחזן הכנסת מתחיל ברוך שאמר וכו'.

boldly after the benediction for the Torah (Mann, 280, 293), but in the Babylonian rite it is to be found within the beautiful section beginning with לעולם יהא אדם ירא שמים בסתר and leading up to the privilege of Israel to declare the unity of God by the declaration of the Shema'. This verse is followed by a significant benediction emphasizing the sanctification of God's name in public and in conclusion the prayer for the restoration of Israel is expressed (see the version in 'Amram, ed. Fr., I, 51a). The whole section was evidently known to the author of Seder Eliyahu Rabba (c. 19, ed. Friedmann, 118) where it is cited in a greatly shortened form due to the copyists, who only indicated its beginning and its end (see Friedmann's notes, *a. l.*). It is questionable whether the whole section was originally composed by the author of this Midrashic work, as it is frequently assumed, because he introduces it with the formula מיכן אמרו.[6] The whole setting of this section suggests a time of religious tribulation and trial when the declaration of the unity of God could only be made in secret (בסתר), viz. in the home of the individual Jew and not at the public worship. The benediction praising *God* for sanctifying His name in public (by some manifest action of His) significantly alludes by contrast to a time that demanded of the Jew (a *mere human being*) a sacrifice in doing this publicly. With right intuition R. Benjamin b. Abraham 'Anav, brother of the author of *Shibbole Ha-Leḳeṭ* (13th century), explains that the author of S. E. R. referred to a period when the Shema' could not be recited at the public worship of the synagogue and hence he impressed upon his contemporaries the duty of acknowledging the kingdom of heaven privately.[7]

[6] The text there omits בסתר after ירא שמים but several authorities had this significant word as is evident from the discussion in שבה"ל to be cited forthwith. Also 'Amram has it.

[7] שבה"ל, ed. Buber, p. 6:

ורבינו שלמה ז"ל (Rashi) הרגיל שלא לומר, לעולם יהא אדם ירא שמים בסתר' מפני שתוהין לומר: וכי בסתר יהא ארם ירא שמים ולא בגלוי?... ונאון אחד כתב שהנון לאומרו... ור' בניסין אחי נר"ו כתב שראוי לומר, בסתר' שלא אמרו אבא אליהו אלא כנגד דורו של שכד שנורו שלא לקרוא את שמע ולא היו יכולין להיות יראין בגלוי, על כן הזהירם חרזם לקבל עליהם עול מלכות שמים בסתר. תדע לך שכן הוא שאומר, וחייבין אנו לומר לפניך תמיד שמע בכל יום כו' וכיחדים את שמך פעמים באהבה ואומר (ואומר' read=ואומרים) שמע ישראל כו'". ועל כן אומר, ברוך המקדש שמו ברבים' לפי שבשעת השמד אין שכו מקודש ברבים אלא בסתר, על כן אין אנו לשנות.

Elgogen (p. 91) thinks it not impossible that R. Benjamin was right in his explanation and yet regards it more likely that the first verse of Shema' was inserted there in order to not delay the time set for its reading. His evidence is *'Ittim* (p. 253)[8] which, in dealing with Sabbath morning, recommends that the weekly Sidrah should not be gone over at home before proceeding to the synagogue in order not to delay זמן ק"ש. This offers no proof whatever for Elbogen's preferred explanation of the insertion of Shema' at this juncture. But there is another statement (not cited by Elbogen) in a MS. Munich (given by Perles, *M. G. W. J.*, XXV, 370–71) which probably emanates from the author of *'Ittim*, R. Judah b. Barzillai, and which shows that this argument of the delay of זמן ק"ש was unknown and is therefore quoted as "a great secret" (סוד גדול).[9] The whole passage was written by a critic of the Piyyuṭim and, as Judah b. Barzillai was such a one (as is evident from *'Ittim*, p. 251 ff.), we may suggest that our statement is to be found in the missing part of *'Ittim* dealing with the early morning service. Hence in the MS. the beginning should read somewhat like ונמצא בספרו של [מה"ר יהודא סוד גדול וכו'.

Be that as it may, the whole argument is hardly cogent or logical. On the basis of the statement in Ber. 13b a reference to יציאת מצרים', as the conclusion of the Shema', is supposed to be found in the lectionary הודו where Ps. 81.11 is included. But this lectionary was recited in public (בצבור) after ברוך שאמר and not ביחידות as the Shema' in לעולם יהא. Moreover the whole lectionary was not at all fixed in earlier times. It is missing the Siddurim of 'Amram and Sa'adya (see 'Amram, ed. Fr., I, 70a, note in מקור הברכות). It is also not found in the Palestinian ritual though *Soferim* indicates its beginning (see Mann, p. 276).

All these passages, quoted by R. Benjamin, were evidently in his copy of S. E. R. but were omitted by later copyists. Cp. also Friedm., מבוא, p. 80. See also *Tanya*, ed. Hurwitz, p. 11.

[8] Thus more correctly than p. 249, given in his notes (p. 527), which contains nothing on this subject.

[9] מה"ר יהודא סוד גדול שלכך תקנו חכמים קדמונים לומר, אשרינו שאנו משכים ומעריבים ואומרים בכל יום שמע ישראל משום דשמע זה ק"ש של ר' יהודה הנשיא (see Ber. 13b). ומשום דהוא (ר' יהודה הנשיא) מהדר אשמעתא דיציאת מצרים כראיתא, כדי להזכיר יציאת מצרים בזמנה' (see ibid.) תיקנו בפסוקי דזמרה, אנכי ה' המעלך מארץ מצרים' (Ps. 81.11) שאם יאחרו ביוצרות ופיוטים מיקרא ק"ש שלא בזמנו די להם בראשונות כר' יהודה הנשיא.

Following therefore the more probable clue of R. Benjamin b. Abraham 'Anav the date and place of this שעת השמד should be considered. Krauss (*Studien z. byz.-jüd. Geschichte*, 146–7) regards in a haphazard manner S. E. R. to be a product of Byzantium and the religious persecution, alluded to in S. E. R., is referred to those of "a Leo the Isaurian (723), a Basileos (868)!" But this view collapses under the weight of the historical evidence at our disposal. How is it that the whole passage from לעולם יהא to בשובי את שבותיכם לעיניכם אמר י"י is entirely missing in the Palestinian ritual but was taken over in the Babylonian Siddur? Surely the Holy Land was nearer to Byzantium than the distant Babylon. Moreover the persecution of Basileos (868) can hardly be considered in view of the fact that 'Amram, whose eighteen years of Gaonate (the first ones of which were in rivalry to R. Naṭronai) fall between 862–80, already has the whole passage as a regular part of his Siddur sent to Spain. Needless to say passages from a Midrash, supposedly written in Byzantium, were not incorporated by the Geonim with such speed in their ritual. Moreover a careful examination of the contents of S. E. R. clearly shows that the author lived for a considerable time in Babylon and that in a good deal of his work he depicted conditions of Jewish life in that country (see Appendix at end of this paper, *infra*, p. 302ff.). He himself was arrested during a raid carried out by the Persian authorities at the instigation of the fanatical Magians. As a result of this arrest the author records a disputation of his with a learned Magian on controversial matters pertaining to Judaism and Zoroastrianism. The dates to be found in the work, which lead down to the 10th century,[10] were evidently changed by the copyist whose text became the prototype of our texts, to suit his own time when he had prepared his transcript.

[10] Pp. 6–7: בעונינו שרבו נכנס עלינו שעבוד בתוך שני אלפים של ימות המשיח ויצא מהן יותר משבע מאות שנה leads down to a date after 940 C. E. (4700 A. M.) and p. 163: ומשחרב (הבית השני) ועד עכשיו הרי תשע מאות brings us to 968. A third date gives an intermediate year, viz. 944 (p. 37: נמצא מיום שנברא העולם ועד עכשיו תשעים ומ' ד' שנים (i.e. jubilees) וארבעה עולמים. The first date יותר משבע מאות שנה is cited in Yalḳuṭ Makhiri to Zechariah (14.7) as שש מאות וששים וארבע שנה, viz. 904 (see Poznanski, Z.f.H.B., XIII, 132), which shows clearly how the copyists changed the dates to suit their own times.

The passage in S. E. R., reflecting the religious persecution under discussion with regard to the Shema', rather helps us to fix the time of redaction of the book, viz. not long after the fanatical outbreak against the Jews in Babylon and in Persia under Yezdejerd II (454–5) during which the recital of the Shema' was forbidden as being a challenge to Zoroastrianism, as is expressly reported by the Geonim (see *infra*, p. 256 ff.) in connection with the Shema' in the Ḳedushah. The arrest of the author (or redactor) and his discussion with a Magian should be fixed in this time of trial and tribulation. The Jewish authorities of the time at first impressed upon their coreligionists the duty of reciting the Shema' (at least the first verse) privately in their homes before proceeding to the synagogue for the morning service. In the course of the religious persecution they invented also the strategem of inserting the beginning and the end of the Shema' in the Ḳedushah. The whole beautiful section from יהא לעולם and onwards formed an impressive setting for the private acknowledgment of the unity of God and His kingdom. The author of S. E. R. quotes it as an anonymous composition of the Babylonian Rabbis of the time (מיכן אמרו). It was, however, not taken over into the Palestinian ritual, though the first verse of Shema' occurs therein before ברוך שאמר, either as a later compromise with the Babylonian custom or perhaps as a reminiscence of the custom of R. Judah the Patriarch.

The redaction of S. E. R. not long after 455 renders it pretty certain that it should be identified with סדר אליהו רבה and its supplementary part סדר אליהו זוטא, cited in Ket. 106a, though the story related there connects it with R. 'Anan, the contemporary of R. Naḥman b. Jacob (end of 3rd and beginning of 4th centuries). The author preferred to remain in obscurity citing several episodes and statements in the name of "Father" Elijah (אבא אליהו), the great personality in Jewish folklore since Biblical times. The legendary relationship between Elijah and R. 'Anan was seized upon by the Saboraim in the 6th century to attribute to the latter the already by then famous work Seder Eliyahu Rabba and Zuṭṭa.[11] Yet it is not out of question to

[11] In the story in Ket. 106a, top, the phrase דהוה מתני ליה סדר דאליהו seems to be a Saboraic gloss to explain the preceding sentence רב ענן הוה רגיל אליהו

assume that there were known in Babylon as well as in Palestine teachings and episodes relating to Elijah which the author, living in the second half of the 5th century, incorporated into his work giving it the peculiar phraseology and form that render it as one of the most interesting literary productions in the field of Midrash. The reason for his division of the work into two parts, Rabba and Zuṭṭa, is not clear. Who knows whether he himself did not use the legend concerning R. 'Anan as a means to hide his own identity? Hence the Saboraim were guided by genuine tradition to declare the work to contain the substance of Elijah's teachings to R. 'Anan.[12]

2. Shema' in the Ḳedushah.

The Ḳedushah in Musaph on Sabbaths and Festivals in the prevalent rites contains the insertion of the Shema' in a characteristic setting which again recalls a time of aroused religious feeling owing to outside opposition. After the actual Trishagion and its accompanying verse of Ezek. 3.12 (which will be discussed *infra*, p. 261ff.) the text turns abruptly to a plea for God's mercy on the people that declare His unity daily, morning and evening, "twice with love" proclaiming the Shema' (citing the first verse). Then comes the emphasis that only "He is our God, our Father, our King, our Savior,"[12a] pleading again for His mercy to

דאתי נביה as if סדר דאליהו existed even before R. 'Anan. Likewise, עד דאפיק ליה סדריה seems to be an insertion—all in order to justify the Saboraic identification והיינו דאמרי סדר אליהו רבה, סדר אליהו זוטא.

[12] The general conclusions are given here reserving further discussion of the problem of S.E.R. for the Appendix (*infra*, pp. 302–10).

[12a] The juxtaposition of these attributes "Father, King and Savior" has evidently a polemical emphasis against Christianity which designated Jesus by the last two terms besides ascribing to him divinity (*θεός*). As is well-known, Jesus is styled in the N.T. King (*βασιλεύς*) and savior (*σωτήρ*). In the well-known hymn אין כאלהינו we have also the juxtaposition of the attributes God, Lord, King and Savior, stressing still more the emphasis against Christianity which designated Jesus as lord (*κύριος*). This hymn is evidently modeled after the above passage in the Ḳedushah and perhaps would warrant the reading there אדונינו too instead of אבינו. The hymn is found in the Palestinian ritual for Saturday night with the proper beginning מי כאלהינו (see Mann, pp. 319, 324–5). In the light of the above remarks it probably dates from the

become manifest by the redemption of Israel when His divinity will be proclaimed before all mankind, and concluding with the last phrase in the Shema', viz. אני י"י אלהיכם. 'Amram (ed. Frumkin, II, 50b) briefly indicates this insertion: כתר יתנו לך, ומוסיף (ש"ץ) פעמים באהבה", ואומרים (הקהל) שמע ישראל". ויש מוסיפין להיות לכם לאלהים אני ה' אלהיכם". ובדברי קדשך וכו' (see also I, 139b, where R. Naṭronai Gaon mentions פעמים and להיות לכם לאלהים). The author of Pirḳe de R. Eliezer (c. 4, end) seems to allude to this enlarged Ḳedushah when in conjunction with the Trishagion recited by the angels above he adds: וישראל גוי אחד בארץ שהם מיחדים שמו תמיד בכל יום עונים ואומרים שמע ישראל ה' אלהינו ה' אחד", והוא משיב לעמו ישראל אני ה' אלהיכם" המציל אתכם מכל צרה.[13] The author of this Midrash probably lived in Palestine at the beginning of the 8th century (as will be shown elsewhere).

This insertion of Shema' into the Ḳedushah formed the subject of a discussion already in the early Gaonic period. R. Yehudai, Gaon of Sura (c. 760 C. E.), is the earliest authority mentioned who traced it to a persecution in Palestine in the course of which both the Shema' and the daily Tefillah were proscribed by the government. The Jews were only permitted to assemble in their synagogues on Sabbath morning to recite and to intone the Sabbath 'Amidah with the Piyyuṭim connected therewith. As a subterfuge the Shema' was inserted into the Ḳedushah, viz. the Ḥazzan would intone the beginning and the end of the Shema' in such a manner as not to be noticeable to the officials watching the service (see also *infra*, p. 259, note 32). This prohibition ended with the overthrow of Byzantine rule in Palestine in consequence of the arrival of the Arabs (634–40). This

Byzantine period. Who knows whether its composition did not take place at about the same time as the passage in the Ḳedushah? Hence the hymn has not been adopted from the mystics as found in Hekhatot R. (c. 4, beginning: מי כמלכנו . . . מי כיוצרנו מי כה' אלקינו, see Bloch, *M.G.W.J.*, XXXVII, 311) but rather the author of this mystical tract used the phraseology of this hymn in a modified form.

[13] R. David Lurya in his commentary (p. 11b, note 62) rightly points out that the concluding phrase "Who redeems you from all trouble," alludes to the insertion of the beginning and the end of the Shema' into the Ḳedushah in consequence of the religious oppression which involved the prohibition of the recital of the Shema'.

historical information reads in the words of Ben-Baboi,[14] who recorded it, as follows: וכן אמר מר יהודאי ז"ל שגזרו שמד על בני ארץ ישראל שלא יקראו קריית שמע ולא יתפללו[15], והיו מניחין אותן ליכנס שחרית בשבת לומר ולזמר[16] מעמדות[17], והיו אומרים בשחרית בשבת מעמד[17] וקדוש ושמע במוסף[18], והיו עושים דברים הללו באונס, ועכשיו שכילה הקב"ה מלכות אדום וביטל גזרותיה ובאו ישמעלים[19] והניחום לעסוק בתורה[20] ולקרא קריית שמע ולהתפלל אסור לומר אלא דבר דבור במקומו כתיקון חכו"ל תורה[20] במקומה ואסור והתר[21] במק'[22] ותפילה וקריית שמע במקו'[23] וכל ברכה וברכה וכל דבר ודבר כתיקון חכו"ל במק' ובזמנו.

[14] A substantial portion of Ben-Baboi's work, known as פירקוי דבן באבוי, has been published by Mann, *R.E.J.*, vol. 70, 129 ff. (See also the additional passage given by J. N. Epstein, ibid., vol. 75, 179 ff.). Our passage is found on p. 133. See the discussion of this problem, ibid., pp. 122–128, which, however, is augmented here in several points.

[15] Evidently because the Shema' was regarded as a challenge to the doctrine of the trinity and the daily 'Amidah contained ברכת המינים (12th benediction) with its reference to the Christians (ולנוצרים) as is evident from the Palestinian version of the 'Amidah (see Schechter, *JQR*, X, 657, and Mann, *H. U. C. Annual*, II, 296.

[16] ולזמר is not a dittography of ולומר but refers to the intonation of the מעמדות, Piyyuṭim, by the Ḥazzan. See notes 17 and 21.

[17] מעמדות denote, as J. N. Epstein has rightly pointed out (*R.E.J.*, vol. 75, 183, note 2), the Piyyuṭim inserted into the first 3 benedictions of the 'Amidah (as born out by 'Amram, ed. Warsaw, 47b, bottom: ויורד ש"ץ ואומר במגן ומחיה והמלך הקדוש מעמד שיש בו ריצוי וסליחה). But מעמדות can also be Piyyuṭim inserted into the last 3 benedictions of 'Amidah as is evident from the passage cited in note 21.

[18] במוסף does not mean here "at Musaph," because in Palestine the Ḳedushah was only recited at the Shaḥarit service (as Ben-Baboi emphasizes, ibid., vol. 70, 135), but denotes "in addition," viz. as an insertion similar to the phraseology of 'Amram (above, p. 252) ומוסיף פעמים באהבה and ויש מוסיפין להיות לכם וכו'.

[19] Read ישמעאלים.

[20] It is characteristic that the study of Torah was formerly, under Byzantium, proscribed. This refers to the problem of the Deuterōsis (discussed *infra.*, p. 281) and hence the Piyyuṭim (מעמדות) would contain the very elements of the Deuterōsis, viz. the Aggadic interpretation of the Bible (called here תורה) and also the Halakhic instruction (called here אסור והתר).

[21] Cf. Ben-Baboi's elaboration of this point (ibid., p. 130):
וכל שכן שאסור לומר אסור והתיר והגדה בשלש ראשונות ובשלש אחרונות, וכל שכן מעשה מרכבה שאסור לומר בצבור ואפילו ביחיד. . . וכל שכן שאסור לומר, האל הגדול הגבור והנורא' ומפסיק שבחו שלקב"ה ומתחיל ומזמר, ויבא עמלק' ו,איכה אבכה' וכל כיוצא בו.

[22] =במקומם.

[23] =במקומן.

R. Yehudai's account no doubt refers to the time from 629 and onwards when Heraclius, on his reconquest of Palestine from the Persians, broke his promise given to the Jewish leaders to grant the Jews amnesty for their having aided the Persians during their invasion and occupation of the Holy Land (614–628) and allowed revengeful excesses to be perpetrated on them.[24] The divine service of the synagogue was restricted in every way. Services on week days were prohibited because of the Shema' and the 12th benediction of the 'Amidah. The teachings and preachings of the Rabbis, known as Deuterōsis, proscribed already since Justinian's famous novella of 553 (see *infra*, p. 279ff.), could not be given to the people assembled in the synagogues on Sabbaths. But the Piyyuṭim had already become a substitute for the Deuterōsis and these were permitted to be recited and intoned on mornings of Sabbaths and Festivals, followed no doubt by the reading of the Torah but without the sermons of the Rabbis. It is rather strange that the Trishagion was at all allowed to be recited in view of the reports of its proscription because of its interpretation by Christian theology to denote the Trinity (as discussed *infra*, p. 263ff.). But it seems that the Trishagion by itself was not proscribed but only when with its Targumic paraphrase it had a distinct polemical emphasis against the doctrines of Christianity (as shown *infra*, p. 266 ff.). However, it may be that the expanded Ḳedushah also formed a part of the Piyyuṭim whose very origin is stated to have been a stratagem whereby to outwit the authorities in their prohibition of the Deuterōsis.

This whole limitation of the divine service of the synagogue need not have been an innovation of Heraclius but rather the reënforcement of the old intolerant interference with the Jewish service that had become especially rigorous since the time of Justinian. It could not be carried out during the occupation of the country by the Persians but after the reconquest it asserted itself anew. R. Yehudai, living about 120 years after the conquest of the Holy Land by the Arabs, had naturally a more direct tradition about conditions prevailing there during the last years

[24] See Graetz, *Geschichte*, v (4th edition), pp. 30 ff. and 414 ff.

of the Byzantine regime. He demanded the elimination of the Shema' from the Ḳedushah in the Shaḥarit 'Amidah of the Palestinian ritual, now that under Muhammedan rule the Shema' in its entirety had returned to its proper place in the Shaḥarit service on Sabbaths and Festivals prior to the 'Amidah. R. Yehudai's protest was of no avail nor was the vigorous denouncement of this item in the liturgy by Ben-Baboi (beginning of 9th century), a disciple of Rabah who in his turn sat at the feet of Yehudai Gaon.[25] Ben-Baboi seemingly failed to extend his opposition to the Shema' in the Musaph Ḳedushah, prevalent in his own country Babylon (to be discussed forthwith), because perhaps this insertion, preserved as a memorial of the times of religious persecution in Babylon under the Persians, was not found to be so objectionable at Musaph which formed a sort of a separate service after the reading of the Torah and the Prophets. But it may be that he looked with disfavor also on the Babylonian custom as the logical conclusion would be from the passage cited above (note 25). However, he denounces the phrase פעמים באהבה as containing a boastful complaint before God—a rather cantankerous remark.[26] In spite of Ben-Baboi's attack the Palestinian ritual adhered to its old custom except that in Jerusalem and in other Palestinian cities, where Babylonian Jews had settled, the Ḳedushah (whether with or without Shema' is not clear) became a daily feature of the service and probably also of Musaph on Sabbaths and Festivals—this concession being granted only after dispute and dissension.[27] It is doubtful whether ultimately

[25] REJ, vol. 70, p. 134:
כל שכין זה שאומרין שמע בין קדוש לויכלוך שאין הוא לא עתו ולא מקומו שתיקנו חכו'ל כפני שלא תיקנו חכו'ל לקרוא קרית שמע אלא שחרית וערבית בלבד מן המשנה וכן התלמוד. אם אתה אומר: שמע פסוק ראשון לקרוא קרית שמע אלא שחרית וערבית בלבד מן המשנה וכן התלמוד. אם אתה אומר: שמע פסוק ראשון שהוא אומר, עיקר קריית שמע פסוק ראשון הוא וכו'.

[26] Ibid.: ועוד כל שכין זה שאומרים פעמים באהבה' שהוא כמנים דעתו כלפי מעלה ומתרעים ואומר שאנו אומרים פעמים בכל יום שהוא כמנים דעתו כלפי מעלה. Yet in the time of R. Hai this phrase was omitted at his school in Bagdad (see the passages discussed by Mann, *REJ.*, vol. 70, 123, note 1). See also Marmorstein, ibid., vol. 73, pp. 98–9, and my remarks, vol. 74, p. 111.

[27] Ibid., p. 135: תדע לך שכן היא ותקנת שמד היא שאין אומרים שמע בין קדוש לויכלוך אלא בתפילת שחרית של שבת בלבד, אבל במוספין ובמינחה וכל ימות השבת אין אומרים. עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או ביומים טובים בלבד, בשחרית בלבד, חוץ מירושלים ובכל מדינה שיש בה בבלאיין שעשו מריבה ומחלוקת שקיבלו עליהם

the Palestinian ritual ever became uniform in this respect with the Babylonian rite.

On the other hand Gaonic reports of the 9th century trace the insertion of Shema' in the Ḳedushah to a prohibition of Yezdejerd II. The declaration of the unity of God was obnoxious to the ruling religion of Zoroastrianism with its dualistic conception of the deity. Hence the government forbade the reading of the Shema' in its usual place in the service. As a subterfuge the Ḥazzan would intone in an unnoticeable manner (בהבלעה) the first verse of Shema' as well as the conclusion (אני ה' אלהיכם) within the Ḳedushah of *every service*, both on week days and on Sabbaths and festivals. When this decree was annulled and the Shema' could again be fully recited at its proper place, the insertion in the Ḳedushah was removed from all the services and was only retained at the Musaph of Sabbaths and Festivals as a memorial of the persecution. Sar Shalom, Gaon of Sura (849–53), in giving substantially the above account, speaks only in a general way of a persecution prohibiting the Shema'.[28] That he referred only to the situation in Babylon is evident from the fact that the daily 'Amidah could be recited because it would offer no objection to the Magians whereas in Palestine it had been proscribed owing to the benediction against heretics (ברכת המינים), as stated above (p. 254). But anonymous Gaonic responsa, cited in *Shibbole Halleḳet*,[29] give a more specific description of the manner of the

לומר קדושה בכל יום, אבל בשאר מדינות ועירות שבארץ ישראל שאין בהם בבלאין אין אומרים קדוש אלא בשבת וביומים טובים בלבד. This custom is also borne out by a Gaonic responsum (cited in Tosafot, Sanh. 37b) which gives an Aggadic explanation for it found in מדרש ויכולו (see *REJ.*, vol. 70, p. 127, note 2).

[28] Sar Shalom's responsum is quoted first in 'Amram, ed. Fr., I, 139b, and is repeated in Vitry, p. 99, סדור רש"י, p. 252, par. 504, 'Ittim, 280–81, או"ז, II, 11c (22a). The parallel in *Pardes*, ed. Ehrenreich, p. 312, will be discussed *infra*. p. 259. The general reference to the persecution is, מפני שכנגזרה גזרה על שונאיהם של ישראל (a well-known euphemism for Israel) שלא לקרות ק"ש כל עיקר היה אומר אותה שליח צבור בהבלעה בעמידה בכל תפלה דשחרית בין בחול בין בשבת וכו'. Sar Shalom speaks here only of the insertion of the Shema' in the Ḳedushah of Shaḥarit but the responsa, discussed in next note, clearly mention this insertion at every service.

[29] Ed. Buber, p. 38: ולמה נהגו לומר פעמים ולהיות לכם בקדושה? מצאתי בתשובות הגאונים ז"ל...לפי שבימות רב נחמן נור יונרד (יזדגרד r.) מלך פרס שלא יקראו קריאת שמע (שמע r.) לאלתר מה עשו חכמים שבאותו הדור? תקנו להבליעו בין כל קדושת (קדושה r.) בין בשחרית,

subterfuge to outwit the authorities by the insertion of Shema' into Ḳedushah and also by mentioning the occasion as due to the fanaticism of Yezdejerd II.

This ruler (438 or 439–457) was notorious for his intolerance both towards Jews and Christians. Several sources of the Gaonic period refer to a persecution against the Jews about 454–5 which involved their being compelled to desecrate the Sabbath.[30] His death is reported to have been caused by the bite of a snake. R. Naḥman mentioned in the above responsum is the Amora R. Naḥman b. Huna, head of the school of Sura, whose death is reported to have taken place at about the time when Yezdejerd's persecution began. Hence Halevy may be right in suggesting (דוה"ר, III, 93) to emend שבמות רב נחמן into שבימות רב נחמן in accordance with the report of Sherira Gaon and others. Our responsum adds another detail of the persecution, viz. the prohibition of the Shema' and the subterfuge of its insertion in the Ḳedushah. Yezdejerd's death in 457 only brought a temporary respite for the Jews. The rule of his son Perōz (459–484) was fraught with still more severe trials resulting (especially from 469–70 and onwards) in the closing of all schools and synagogues

בין בטוסף, בין במנחה, בין בחול ובין בשבת ובין ביום טוב. ומאי הבליעה? רישא: שמע, סיפא: אני ה' אלהיכם. ולמה תיקנוה לאומרה בהבלעה? כדי שלא תשתכח שמע מפי התינוקת. ובקשו רחמים מן השטים ובא חנין בחצי היום ובלע יזגרד (יזדגרד r.) המלך ובית טשכבו (בבית משכבו r.) ובטלה הגזרה והיו מתפללין על הסדר ופירסו על שמע כתיקנה בפרהסיא ובקשו לסלקה לאלתר שלא לאומרה, אמרו חכמים שבאותו הדור: לא נבטל אותה שלא לאומרה כלל כדי שיתפרסם הנס לדורות אלא נקבע אותה בתפילת הטוספין ובתפילת נעילה שאין שם קריאה שמע כלל, וכן נהגו בשתי ישיבות. Cp. also the passage from ס' המקצועות, cited in או"ז, *l.c.*, which also speaks of the original insertion of Shema' in the Ḳedushah at every service (בכל צלותא וצלותא) and not only at Shaḥarit.

[30] The primary account is in Sherira's letter (ed. Lewin, p. 94): ובתריה רב נחמן בר רב הונא ושכיב בשנת תשס"ו (454/5 Sel. =) ונפל שסדא ונזר יזדגרד לבטולי שבתא ונזרו רבנן תעניתא ואיתי קודשא בריך הוא בליליה עליה תניא.

Another version adds: ובלעוה טן משכביה ובטלה נזרתיה. Cp. further Sherira's remark, ibid., p. 96. There are several variants as to the date but the above figure seems to be the most correct one. Cf. further the data given in the several versions of סדר עולם זוטא and סדר הגאים ואסוראים (in Neub., *Med. Jew. Chron.*, I, 177, 184; II, 246, 247, bottom; Marx, *Lewy Festschrift*, Hebrew part, p. 172). Also a Genizah fragment in Cambridge (T. S. 8 K 22.11) reads: שנת תשס"ו נאסף רב נחמן בן רב הונא ונזר יזדגרד מלך פרסיים על אבותינו לחלל את השבת.

About the date see also Rappaport, ערך מלין (ed. Warsaw, I, 71 f.) and cf. Schorr, החלוץ, II, 120.

and in kidnapping the Jewish youth by the Magians to initiate them into the religion of Zoroaster. And then the movement of the reformer Mazdak, which had its chief seat in Babylon, only added to the oppression of the Jews till its overthrow in about 528.[31] We may therefore assume that even when the Jews were allowed during these years of intermittent religious intolerance to meet for public service they could not openly proclaim their doctrine of the unity of God and had to make use of the subterfuge of inserting it in the Ḳedushah. Indeed, Sherira Gaon speaks of years of persecutions and troubles right down to the close of Persian period (ed. Lewin, p. 99: והויין שני שמד וצרות בסוף מלכות פרסיים ולא הוו יכלין למקבע פרקי ואתובי מתיבתא עד כמה שנין וכו'). Hence the freedom of reciting of the Shema' fully at its proper place was probably not regained by the Jews in Babylon till the arrival of the Arabs and not immediately after the death of Yezdejerd II, as the above mentioned responsa would seem to indicate.

We have thus two parallel accounts about this change in the liturgy referring to persecutions both in Babylon and in Palestine. The one in Babylon seems to have been the earlier one. Byzantium, copying its example from the Magian-ridden government of Persia, probably began to interfere with the Jewish divine service since the times of Justinian. The Jews in Palestine then made use of the same stratagem of inserting the Shema' into the Ḳedushah as their Babylonian brethren did before them. With the beginning of the era of freedom under Muslim rule, however, this innovation was relegated in Babylon only to the Musaph service on Sabbaths and Festivals, whereas in Palestine it remained in the Shaḥarit service also on these days since the Ḳedushah was not recited there on weekdays. In Babylon too the prohibition of the Shema' was the cause for its insertion into the passage לעולם יהא אדם (as discussed above p. 249 ff.).

In our analysis of the accounts we have endeavored to separate the data relating to Palestine and Babylon respectively in

[31] The troubles of the Babylonian Jews under Perōz (פירוז רש"א) and in consequence of Mazdak's reforms are well known. See also Nöldeke, *Aufsätze zur pers. Gesch.*, pp. 106–7, 109, 112–14, and *Ṭabarī*, pp. 118, note 4, 141 ff., 162 ff., 455 ff., 465.

order to ascertain their historical veracity. Confusion has been caused by the passage in *Pardes* (ed. Ehrenhreich, p. 312)[32] where, inside the responsum of Sar Shalom, Rashi inserted a gloss, which was a reminiscence of the prohibition in Palestine, whereas Sar Shalom no doubt dealt with the one in Babylon (as demonstrated above, p. 256). This whole reminiscence is connected with the obstacle placed before the Jews in Palestine to recite the Trishagion (as will be discussed *infra*, p. 267 ff.). Halberstam (ישרון, VI, 1868, pp. 128–130) was on the right track in endeavoring to separate the various accounts and yet Graetz (*M. G. W. J.*, 1887, 550 ff.) follows entirely the version as given in Pardes, without considering at all Halberstam's data, and Krauss (*l.c.*, 33–34) certainly added nothing to the elucidation of the problem. Our above analysis,[33] based on all the reports now available, enables us to comprehend better the occasions that gave rise to the insertion of the Shema' into the Ḳedushah. Of course all the reports could be discredited by the hypercritical argument of convenient and late allusions to the general hypothesis of שעת השמד. But as long as no other contemporaneous explanation of this liturgical problem is available the later Gaonic reports should be accepted as furnishing us with a more or less reliable tradition.

3. Shema' at the taking out of the Scroll.

The custom of reciting the first verse of Shema' at the taking out of the Scroll is mentioned first in *Soferim* 14.8 ff.[34] The whole passage there makes it evident that in the ritual of

[32] After ש"ץ היה אומרה (ק"ש) בהבלעה בעמידה we read: וכל הציבור היו אומרים בלחש שלא יבינו המינין הם תרמיתי (תלמידי pun on) הנוצרי שנתחברו עם היונים והיו מריעים לנו, ובשביל הפחד לא היו יכולים לומר (קבלת insert) מלכות שמים בקול, כי האורבים היו ממתינים שם עד שלש שעות וארבע שעות כי ידעו עד ארבע שעות זמנה לקרות, ואחר ארבע שעות היו האורבים הולכים וישראל מתאספים יחד בסתר ובפחד והיו אומרים קדושה (is it קדושה דיוצר?) וכתפללין, ואומרים קדושה (קדושה דעמידה .viz) ובתוך הקדושה היו אומרים פעמים באהבה וכו" הכל כפי שאנו אומרים עכשיו בקדושה.

About Rashi's mention of these "watchers" (detectives) in the synagogues see also *infra*, pp. 259, with regard to the Ḳedushah itself, and p. 299, with regard to the blowing of the Shofar.

[33] See also Mann, *REJ.*, vol. 70, p. 125, note 1.

[34] המפטיר בנביא הוא פורס על שמע. באי זו שמע אמרו? בשמע של ספר התורה. היכי פותח (המפטיר .viz)? אשרי יושבי ביתך, ואח"כ עוכר המפטיר ואומר אין ככוך באלהים

the author of *Soferim* the taking out of the Scroll was the occasion of a solemn ceremony including the proclamation of God's unity and emphasizing the Trishagion in the same sense. The combination of the Trishagion with the Shema' had clearly a polemical point against Christianity (as will be shown *infra*, p. 270 ff.). It is difficult to ascertain when and where this custom arose. If the ritual of *Soferim* reflects that of Palestine, which is not always the case, then this whole custom goes back to an early time before Christian Byzantium censored the divine service of the synagogue. It may be taken for granted that when the state objected to the reading of the Shema' altogether the ceremony of הוצאת ס"ת had to be curtailed omitting at least the first verse of Shema' and the following Trishagion. The very reading of the Shema' in this connection was based upon a novel interpretation of the Mishnah (Meg. 4.5: המפטיר בנביא הוא פורס על שמע) which seems to have found little acceptance, the author of *Soferim* himself mentioning the usual explanation that the Shema' there meant the regular Shema' of Shaḥarit (14.13: וי"א פורס על שמע שיאמר יוצר אור וקדושה, i. e. Ḳedushah of Yoṣer!)[35] The very fact that Shema' at הוצאת ס"ת is connected with the Mafṭir shows that it was only done on Sabbaths and Festivals. The custom originally spread to Italy only for the three Festivals but Abraham, the father of the author of שבה"ל, introduced it for all Sabbaths and Festivals.[36] From there it was adopted in Bohemia (ארץ כנען) but not in western Germany which in this respect was alike to the French ritual where it is missing.[37] Also the Spanish ritual

י' וכו' (citing several verses) מיד נכנס (אל ההיכל viz.) ואוחז המפטיר את התורה ואיטר שמע... פסוק הראשון בנעימה ואף העם עונין אותו אחריו. וחוזר ואומר אחד אלהינו... וצריך להגביה את התורה בשמע ישראל ובאלו ייחודין שלשה ובגדלו לי' אתי.

[35] See Müller's note 25 on p. 190.

[36] שבה"ל ed. Buber, p. 56, par. 77:

אבא מרי ר' אברהם זצ"ל הנהיג לומר בכל שבת ויו"ט כשמוציאין ס"ת לקרות בו פסוקים של שבחות; אין כמוך באלהים ה', מלכותך מלכות כל עולמים, שמע ישראל וכו' כסדר הכתוב בסדורים בשלשה רגלים עד יגדיל הורה ויאדיר, והיה הדבר נראה טורח צביר וקשה בעיניהם על שנוי המנהג, ומצאנו ממך וסעד בפס' סופרים וכו'.

[37] *Or Zaru'a*, II, 19a: וכנהגנו בארץ כנען לאחר שגומר כל הקדיש כתחיל ש"ץ ואומר בקול רם: אין כמוך כו'... ואחר שיקבל ס"ת הניתנה לידו פותח ואומ' בקול רם שמע ישראל כו' ועונין הצבור אחריו, ושוב אומר אחד אלהינו ועונין הצבור אחריו כו', ואח"כ אומר גדלו לה'

omits the Shema' at the taking out of the Scroll because it has not been mentioned by 'Amram whose Siddur became basic for Spain. We have thus a remnant of a polemical asseveration of the Monotheistic doctrines of Judaism limited to a certain time in Palestine and adopted only by a small part of the diaspora, probably only after its re-insertion in Palestine with the conquest of the Arabs.

4. Shema in Ma'arib.

It is not recorded what substitute for the Shema' in Ma'arib, which must have also been proscribed both in Babylon and in Palestine respectively just as in Shaḥarit, the Jewish authorities found it appropriate to suggest to the people needing guidance in the times of trial and intolerance. However, it is significant that in the Palestinian ritual for מוצ"ש there is a section of Taḥanunim at end of Ma'arib service including the first verse of Shema' followed by אחד אלהינו גדול אדונינו קדוש ונורא שמו just as is the case with the insertion of Shema' before ברוך שאמר in the same ritual (see Mann, p. 324, and cp. pp. 281 and 319). Who knows whether this whole liturgy did not originate at the time when the regular Shema' of Ma'arib was forbidden in Palestine and hence it was recited privately and later on it was retained in the public service? However, in the Babylonian and in other rituals it is entirely missing though some sort of Taḥanun accompanied by נפילת אפים was permitted by Sar Shalom Gaon (see 'Amram, ed. Fr., I, 193b, top, cf. also Elbogen, 105–6). The custom of Shema' at bedtime (ק"ש על המטה) does not seem to bear on the problem discussed in this paper and therefore it will not be considered here (see Ginzberg, *Geon.* I, 135 ff., and Mann, 287–88).

II

Changes due to the Opposition Against the Ḳedushah (Trishagion).

1. The Trishagion was invested with much solemity in the divine service of the synagogue. Isaiah's majestic imagery of the

אתי כו'. . . ובני ריגוס אין להם מנהג זה אלא כשנוכר ש"ץ הפילה אוכר קדיש וכוציא ס"ת ואוס' נדלו לה' אתי כי' ובמס' סופרים יש סמך למנהגנו אלא שלשם סוסיף פסוקים הרבה וגם לשם משכע שהספטיר היה אוכר כל אלו הפסוקים. ומשמע לכאורה דלאחר הקריאה הי' מנהגם.
The last deduction is evidently incorrect.

angels proclaiming God's holiness three times in succession (ch. 6.3) suggested to have this sanctification proclaimed also on earth in the synagogue of Israel. To this there was added the sentence which Ezekiel during his vision heard the beings of the Chariot proclaim in eulogy of God (ch. 3.12). The mystically inclined in Israel used this idea of the parallel sanctification of God both on high and on earth to weave around it dramatic fancies depicting the great stir caused among the heavenly hosts when Israel pronounced the Trishagion. The words of God's sanctification uttered by Israel in its synagogues became the material out of which the angels on high were weaving a crown to be placed on the head of the Creator (cf. כתר יתנו לך וכו'). Already in Ḥullin 91b, bottom, the Ḳedushah of the angels is stated to be dependent on the Ḳedushah of Israel (so in MS. Munich: ואין מלה"ש אומרין שירה למעלה עד שיאמרו ישראל שירה למטה).[37a] Three groups of angels are supposed to take their turn daily when reciting the Trishagion, the first one starting with Sanctus, the second repeating it twice and the third one three times finishing off the whole verse as given in Isaiah whereas Ezek. 3.12 is recited by the Ofanim and the Ḥayyot.[38] From this Talmudic passage it would seem that the Trishagion in heaven was recited only once daily and yet in the synagogue the custom developed to repeat the Trishagion three times daily. Thus in Targum Sheni (to ch. 5.1) we read in Esther's prayer: דאין ישראל יבדון מן עלמא, מן יימר קדמך קדוש קדוש קדוש בכל יומא תלת זמנין. This threefold recitation is also mentioned several times in the mystical writings, cited first by the Geonim but probably dating from earlier times (the so-called Hekhalot writings).[39] Of these three occasions two would

[37a] In the so-called Pirḳe of R. Eliezer (in *Pseudo-Seder Eliahu Zuta*, ed. Friedmann, p. 47) this statement is attributed to R. Eliezer the son of R. Yose the Galilean.

[38] Cf. Hullin 92a top ברוך" אופנים הוא דאמרי לה.. See 'Amram, ed. Warsaw, I, 4b, where the passage is attributed to R. Ishmael and where it ends והאופנים וחיות הקודש עונין אחריהם ברוך וכו, and 10b.

[39] See Hekhalot Rabbati (in Eisenstein's אוצר מדרשים, I, 111b ff) 3.2; 3.3: שלשה פעמים בכל יום... שפותחין פיהם לומר קדוש בשעה שישראל אומרים לפניו קדוש; ch. 9. 2–3: ברוכים לשמים יורדי מרכבה אם תאמרו ותנידו לפני מה אני עושה בתפלת שחרית ובתפלת המנחה ועַרבית בכל יום ובכל שעה שישראל אומרים לפני קדוש... ג' פעמים שאתם אומרים לפני קדוש (the parallel passage in 'Amram I, 4a, rightly omits

be the Ḳedushot of Shaḥarit and Minḥah[40] whereas the third is dubious. Actually the Babylonian ritual has in the daily Shaḥarit alone three Ḳedushot, viz. קדושה דיוצר, קדושה דעמידה and קדושה דסדרא, which with the Minḥah Ḳedushah increase the occasions to four. On Sabbaths, including the קדושה דסדרא recited on מוצ"ש, the number grows to six.[41] This increase is traced to times of persecution and will be discussed forthwith after considering first the importance of the Trishagion in the Christian liturgy.

2. In the Christian liturgy the Trishagion (or Tersanctus) also has a prominent role. It is interesting that in the Eastern liturgies[42] the proper Trishagion has the following remarkable form: Holy God, holy strong, holy immortal, have mercy upon us (*ἅγιος ὁ θεός, ἅγιος ἰσχυρός, ἅγιος ἀθάνατος, ἐλέησεν ἡμᾶς*). Drews (in Herzog-Hauck, *Realienencyklopädie f. prot. Theol. u. Kirche*, 3rd ed., XX, 125 ff.), while rightly arguing that the Trishagion was taken over by the Church from the Jewish liturgy going back to the earliest times (ibid 127, l. 19 ff.)[43], has difficulty in explaining the above form of the Trishagion (ibid., p. 128). A legend connects its origin with an earthquake in Constantinople

the word וערבית; see also שבה"ל, ed. Buber, p. 19); ch. 10, end; 11.3: בכל יום ויום בהגיע עלות השחר; 11.4: בכל יום ויום בהגיע תפלת המנחה; 18.3. The theme of the Ḳedushah of the angels being dependent on the Ḳedushah of Israel is further developed ibid., p. 122b, 123a, b. Another mystical text (ibid. 110a) speaks of angels reciting the Trishagion from morning to evening while others repeating ברוך from evening to morning. This idea is found already in S.E.R., ed. Friedmann, pp. 34, 84, 163, 193. Cf. also Midr. Ps., c. 19, ed. Buber, p. 166. Already in the book of Enoch (39.12) we read of angelic "watchers" ("those that never sleep" =עירין) who recite the Trishagion before God.

[40] See preceding note.

[41] See Elbogen, p. 67.

[42] Cf. the so-called early liturgy of James (in *Writings of Ante-Nicene Fathers*, VII, p. 538, col. 2) and the so-called liturgy of Mark (ibid., p. 553, col. 1). See also p. 557. Osterley in his new book (*The Jewish Background of the Christian Liturgy*, Oxford, 1925, pp. 142–147) has entirely failed to consider the problem discussed here.

[43] Drews (p. 127, ll. 50–51) is of course incorrect in assuming that the Trishagion was recited already in the time of Jesus in the first benediction before the Shema', hence the so-called קדושה דיוצר (see *infra.* p. 274). The earliest Ḳedushah was the one in connection with the third benediction of the 'Amidah known as קדושת השם.

between the years 434–446. Drews thinks that it is older than the 5th century and yet cannot be granted much antiquity. "It is certainly not Jewish in origin because to call God *ἀθάνατος* is not Jewish but Greek. However why just this combination of the attributes "strong" and "immortal" was chosen and why this formula was afforded a place in the mass, is impossible to explain."

An examination of the Targumic paraphrase of Is. 6.3 will, however, reveal the fact that the above form of the Trishagion is a re-formulation of the Targumic form in the sense of the Trinity. That Is. 6.3 was taken by the Christian divines to refer to the trinity is well-known (so, e. g., Origen and Gregory Nazianzen).[44] The trinitarian interpretation of the Trishagion is also evident from the fact that all Eastern Christian liturgies have the end of the verse of Is. 6.3 (מלא כל הארץ כבודו) in the form "heaven and earth are full of Thy glory" (see Drews, ibid, p. 126, l. 15ff., who offers no explanation for the leaving out of כל, *πᾶσα*). It seems to me that this was taken to refer to Jesus sitting in heaven at the right hand of God. It was at a time, when Christianity was not yet triumphant in the Roman Empire so that "the *whole* earth" could not yet be full of Jesus' glory, that in the Christian liturgy this sentence was remodeled in a general way to denote "heaven and earth are full of thy glory." Be that as it may, Targum paraphrases Is. 6.3 in the following threefold division: קדיש בשמי מרומא עלאה בית שכינתיה, קדיש על ארעא עובד גבורתיה, קדיש לעלם ולעלמי עלמיא, יי צבאות מלוא כל ארעא זיו יקריה. It is remarkable that in the second sanctus reference is made to the earth "the work of His *power* (*δύναμις*)" and in the third we have an allusion to his everlastingness. That the attributes "strong" and "immortal" (i. e. everlasting) in the second and third Christian sanctus respectively are parallels to God's "power" and "everlastingness" in the Targum is strikingly evident. Of course in the Targum these attributes are conceived in a sense of the absolute unity of God whereas in the Christian formula of the Trishagion they assume aspects of the Trinity. Without going into a discussion of the complicated development of the idea of the Trinity, it suffices to state that Jesus was regarded as the incarnation on earth

[44] See Diestel, *Gesch. d. Alten Testaments in d. Christl. Kirche*, p. 122.

of God's Logos and that the Holy Spirit formed a third element through the fellowship of which the believer became united with Jesus (see Hasting's *Encyclopedia of Religion and Ethics*, s. v. Trinity, XII, 458, col. 2, top.).[35] Now the Logos idea, was taken over from Philo who termed the Logos "the *power* (*δύναμις*) of God or the acting divine wisdom."[46] In Christian thinking Jesus became "the *power* and the wisdom of God" (so Paul in 1 Cor. 1.24: *χριστὸν θεοῦ δύναμιν καὶ θεοῦ σοφίαν*, see also verse 18). Hence in the second sanctus "holy strong" alludes to Jesus the embodiment of God's power (dynamis) while in the third "holy immortal" refers to the Holy Spirit by which the believers share in immortality.

3. The above Targumic paraphrase has an evident polemical point. It has a distinct allusion of to the idea of God's "power" (גבורה, *δύναμις*) which was connected with the Philonic Logos.[47]

[45] See further Harnack, *Dogmengeschichte*, 4th ed., p. 213 ff.

[46] About Philo's idea of the Logos see Zeller, *Philosophie der Griechen*, 4th ed. (1903), III, 2, pp. 418 ff. See also p. 417 about Philo's idea of two chief forces immanent in the Supreme Being the one being His mercy and the other His power; the former being the creative, beneficient, gracious and merciful force, the second being the royal, legislative and punishing force. God's mercy is called *θεός* while His power *κύριος*. This is akin to the Rabbinic idea of מדת רחמים and מדת הדין the former being designated by the Tetragrammaton and the second by Elohim (see, e.g., Gen. R., c. 33: בכל מקום שנאמר ה' מדת רחמים . . . בכל מקום שנאמר אלהים הוא מדת הדין)

About the various conceptions of the "great dynamis" of God, the Logos, see further M. Friedländer, *Synagoge u. Kirche*, pp. 9, 77, 84, 88, 90, 93, 129–30, 226 ff.

[47] Of course God is frequently spoken of in the Bible as "mighty" (גבור) and so also in the Talmudic literature; cf. e.g. the characteristic passage in Yoma 69b, as to what constitutes God's power (גבורה) in connection with the phrase at the beginning of the 'Amidah האל הגדול הגבור והנורא (cf. Deut. 10.17). But the allusion in Targum to the world as "the work of His power" (עובד גבורתיה) is evidently a reference to the "great dynamis," the Logos, which Philo regarded as the instrument by which God created the whole world. (See the references cited by Zeller, ibid., p. 420, note 1).

The influence of Philo's idea of the dynamis can also be detected in the attribute גבורה recurring many times in the Rabbinic literature as a synonym for God (see e. g., Makk. 24a, top: אנכי ולא יהיה מפי הגבורה שמעונו; Sabb. 88b: כל דיבור ודיבור שיצא מפי הגבורה parallel to כל דיבור ודיבור שיצא מפי הקב"ה As is well-known the dynamis plays a role in the Ḳabbalah as one of the ten emanations (Sefirot). However, the matter cannot be discussed here in detail.

When it originated is difficult to say. Of course the Targum on the Prophets is traditionally attributed to Hillel's prominent disciple, Jonathan b. 'Uzziel (first half of 1st century, C. E., Meg. 3a). It is assumed that this Targum was adopted in Babylon in the third century as the official translation of the synagogue and that it was revised there to meet the linguistic pecularities of the Babylonian Aramaic. The Amora R. Joseph of Pumbedita seems especially to have devoted attention to this Targum, doing perhaps the revision work, and hence it is sometimes cited in his name (see Bacher, *J. E.*, XII, 61a, b). Whatever may be the veracity of the tradition assigning the Targum on Prophets to Jonathan, the above paraphrase could hardly emanate from him as it is unlikely that he already would allude to the Philonic Logos, not to speak of going further to combat the Christian idea of Trinity which was yet in its embryo. But it is evident that this paraphrase was used in the synagogue in connection with the Trishagion to combat the idea of the Trinity. It is significant that in the so-called קדושה דסדרא, whose origin is connected with a persecution prohibiting the recital of the Ḳedushah (to be discussed forthwith), Is. 6.3 is given in Hebrew together with this Targumic paraphrase (and likewise the accompanying verse of Ezek. 3.12). Already R. Naṭronai Gaon (6th decade of 9th century) was asked for a reason for this Aramaic translation of the Ḳedushah (ג"ל, No. 90) who, however, failed to give a satisfactory answer (as will be shown further on). The reason after our above discussion is self-evident. It was to emphasize the Jewish interpretation of the Trishagion as against the Trinity. Later on the Targumic paraphrase was recited softly (בלחש) as it was found in Christian countries advisable not to proclaim in a loud voice (בקול רם) such a manifest public declaration of faith.[48]

That the spokesmen of the church, powerful in Byzantium

[48] See Vitry, pp. 73–4: ג' מקראות הללו (ובא לציון, ואני זאת בריתי, וקרא זה אל זה) אומר ש'צ בפני עצמו כל אחד ואחד והציבור עונין אחריו על כל אחד ואחד...נ' מקראות הללו אומר שליח ציבור בקול רם והשאר בלחש עם הציבור, ומקבלין דין מן דין וכו'. Graetz, *M. G. W. J.*, 1887, 553, rightly surmised the polemical point contained in the Aramaic paraphrase without, however, realizing its full significance. Yet he expressly threw out his suggestion for further examination by others (see p. 552, bottom).

which ruled over Palestine, should have objected to this Jewish emphasis of the Trishagion is only natural. Indeed several reports speak of the prohibition of the Ḳedushah a substitute for which was found by the Rabbis in the קדושה דסדרא beginning with ובא לציון in order to circumvent the decree of the government. The term קדושה דסדרא occurs only once in the Babylonian Talmud (Soṭah 49a) without any indication of its contents. One could argue that there the term means the Ḳaddish which, as is evident from the phraseology of the Gaonim, also was connected with the act of sanctifying God.[49] It would fit in there in the context, viz. that after the study of a *Halakhic* theme (סדרא)[50] in the synagogue the full Ḳaddish was recited beginning with יתגדל ויתקדש whereas after an Aggadic theme (אגדתא), viz. a sermon delivered by the preacher, who usually concluded his theme with a reference to the Redemption (נאולה or נחמה) expressing his prayerful wish that it speedily arrive, the last word of the speaker "Amen" would be taken up by the listeners with the exclamation אמן יהא שמיה רבא וכו'.[51]

4. However, there is evidently a genuine tradition behind the identification of קדושה דסדרא with the section known in the ritual as ובא לציון, though the real meaning of the term seems to me to have been hitherto misunderstood. Let us at first cite what the authorities of the Gaonic period reported as to its

[49] See R. Naṭronai's responsum (in ג'ל No. 90): ה'ח כשהיו מתפללין ונופלין על פניהן ומקדשין (=ואומרים קדיש)... ואח'כ מקדשן (read ימקדשין) ועומקין בתורה. Likewise in 'Amram, ed. Warsaw, 18a: לעילא. ומקדש עד; 19a; ומקדש ש'ץ; 25b: ולאחר סיום הברכה מקדש השליח; see also 30a, 31a. ומקדש עד. עשה שלום'; 29b

[50] סדרא here would then mean סדר הלכות. Thus a scholar who knew how to present the Halakhot in order was called סדרן (סודרן, see Bacher, *Exegetische Terminologie*, II, 136). As is well known, in Babylon, before it had its two organised schools in the 3rd century, the leader of the scholars in Nehardea was called ריש סדרא (see Sherira's Letter, ed. Lewin, 78, 80).

[51] The full Ḳaddish after study of Halakhot seems to be indicated in S. E. R., ed. Friedmann, p. 31: כיכן אמרו קורא אדם תורה ונביאים וכתובים ויודע להשיב בהם, ישפרם בידו ויברך וישבח וינדל וירומם ויקדש לשמו של מי שאמר והיה העולם, הקב"ה, ואין צריך לפי ששונה הלכות. On the other hand cf. Kohel. R., 9.15: בשעה שהקהל יושב ודורש ועונין אחריו אמן יהי שמו הגדול מבורך (cf. Midr. Prov. c. 10, ed. Buber, 66) and still more explicitly in Midr. Prov., c. 14 (ed. Buber, 75): בשעה שישראל נאספין בבתי כנסיות ובבתי מדרשות ושומעין אגדה מפי חכם, ואח'כ עונין אמן יהא שמיה רבא מבורך.

meaning and its origin. On the one hand its origin is ascribed to a persecution which involved the prohibition of the Ḳedushah. Thus in a responsum evidently emanating from Ṣemaḥ b. Palṭoi, Gaon of Pumbedita (872–890 C. E.), where it is not indicated which Ḳedushah was proscribed.[52] The same account is found in a more expanded form in Or Zaru'a (II, 11c) where it is cited as a quotation from ספר המקצועות.[53] There is further an account, evidently not Gaonic, which connected קדושה דסדרא with the prohibition of the reading of the Torah with its Aramaic translation[54] —a seemingly absurd combination which, however, will be seen further on to have its own explanation.

On the other hand R. Naṭronai of Sura tries to connect this Ḳedushah with the former custom of extensive study by scholars after the service which study had to be given up owing to economic reasons in order that the worshippers be not detained too

[52] לקוטי הפרדס, 9a, where the passage וששאלתם seems to be a continuation of the previous responsum by Isaac Ṣemaḥ (b. Palṭoi), Gaon of Pumbedita (971–90). It reads: וששאלתם: למה אומרים קדושה דסידרא? פעם אחת נזרה מלכות הרשעה שלא יאמרו ישראל קדוש, והיו יושבין שלוחי מלכות עד שססייטין התפלה והולכין, ואח"כ היו נכנסין לבתי כנסיות היו פותחין בגאולה ואמ' (ואומרין r.) פסוקי דרחמי וכוללין קדושה באמצע כדי שלא תסתלק מפיהם. The following passage, beginning with נראה לרבי, is Rashi's explanation, who tried to unify the various accounts, as will be seen forthwith. This responsum does not state which Ḳedushah was prohibited. Only Rashi explains that it refers to the Ḳedushah of 'Amidah evidently taking the phrase שססייטין התפלה to mean the 'Amidah whereas it really means the whole service. Rashi's explanation is also repeated in Vitry, 108; Siddur Rashi, 217–18; Pardes, ed. Ehrenreich, 305–6. See also שבה"ל, p. 38. Also R. Isaac Ab-Bet-Din of Narbonne (האשכול, I, 33) took over Rashi's explanation but for the Targumic paraphrase gives an explanation that it was done for ignorami. He then gives another explanation for קדושה דסדרא which shows how uncertain he was in understanding the whole matter.

[53] ועוד כתב בספר המקצועות דסדר קדושה נסי נזרו (r. מלכות הרשעה דלא למיטר קדושה. מה עשו כשרים שבאותו הדור? כיון שהולכין שלוחי מלכות נכנסין לבתי כנסיות ומהילין פסוקי נאולה ובא לציון גואל, ואני זאת בריתי, ואתה קדוש, ואומר כעין קריאה וקרא זה אל זה ואומר קק"ק, וחזרין ומתרגמין לה לקדושה ומקבלין דין מן דין ואמרין, ואומר פסוקי דקדושה אחריתי עברי ותרגום וכו'.

[54] In Kobak's *Jeschurun*, Hebrew part, VI, 126–7, Halberstam edited from a MS. a passage evidently emanating from R. Eli'ezer Roḳeaḥ, who first cited a Gaonic responsum (מצאתי בתשובות הגאונים) about this Ḳedushah (similar to R. Naṭronai's in ג"ל, No. 90) and then adds: ועוד שמענו שנזרה מלכות הרשעה שלא יקראו בתורה ויתרגמו וקבעו חכמים שבדור לומר יענך ה' ביום צרה כל המזמור ולומר וקרא זה אל זה, ותשאני רוחי, ולתרגם אותם.

long in synagogue when due to attend to their making a living.[55] The whole account does not explain in the least the insertion of the Ḳedushah after the completion of the ordinary Tefillah whether we consider the earlier custom or the later one and yet this has been taken by modern scholars as a true explanation of קדושה דסדרא.[56] Rashi tried to combine both accounts and only added to the confusion of the problem. The two verses Is. 6.3 and Ezek. 3.12, to which R. Naṭronai clearly refers as having been retained even after the reading from the prophets had been given up, became to Rashi ובא לציון and ואני זאת בריתי whereas the Ḳedushah verses themselves were really due to a persecution.[57] The same unwarranted combination of the different accounts we have noticed above (p. 359) in connection with the insertion of the Shema' in the Ḳedushah of the 'Amidah. Now if the Ḳedushah has also been prescribed by Byzantium, what becomes then of the report of the insertion of Shema' within it by reason of gov-

[55] לרב נטרונאי: ששאלתם וקרא זה אל זה ואמר, ותשאני רוח, מה טעם יש שם: No. 90 נ"ל
לקרות ולתרגם? ומה טעם קבעו אותם חכמים בסדר קדושה? (סדר קדושה as if it could be called
(without these verses כך מנהג ראשונים: מקום שיש שם ת"ח כשהיו מתפללין ונופלין על פניהם
ומקדשין, לאחר שעונין אמן יהא שכיה וכו' מביאין נביא וקורין בו י' פסוקים, הן חסר הן יתר, ומתרגמין
אותן, ואח"כ אומרים וקרא זה אל זה ואמר ומתרגמין כשם שתרגמו אותה פרשה של נביא, ואומרין
ותשאני רוח ומתרגמין אותו כדי לסיים בשבחו של הקב"ה, ואח"כ מקדשן (מקדשין r.) ועוסקין
בתורה, הרוצה במשנה עוסק, הרוצה בתלמוד עוסק... וכן שרבתה עניות ודלות והוצרכו
הלמידים להתפרנס ממעשה ידיהם נסמכו על התלמוד בלבד ועזבו מקרא ומשנה... ועקרו
לקרות בנביא בכל יום אחד תפלה, ואע"פ שעקרו לקרות בנביא אותן שני פסוקים לא עקרו
אותם ועדיין קבועים ועומדים. ומפני מה לא עיקרום שקדושה משלשת היא קק"ק ושלשה נ"פ
בהפלה.

The same responsum is ascribed in ש"ת, No. 55, to Hai. See further Vitry, p. 26.

[56] See Elbogen, 79, and Ginzberg, *Geonica*, II, 299.

[57] Cf. the whole passage in לקוטי הפרדס, 9a: נראה לרבי שסדר הקדושה שאנו אומרים
בתוך ובא לציון בבקר בשעת השמר תיקנוה שנזרו המינין בהם שלא לענות קדושה באנודה אחת
בתוך י"ח ברכות, ולאחר שעה שכבר הלכו משם האורבים היו אומרים מקראות הללו של קדושה
ליחד השם (so Rashi realized the point against the Trinity). Then he begins
to recapitulate the other argument: ומתחלה היה להם מנהג לשהות שעה אחת בבית
הכנסת אחרי תפלתם וכו' אבל בנביא עקרו, ואעפ"כ היו קורין בנביא אלו שני פסוקים ובא לציון
גואל, ואני זאת בריתי שיש בהם מאין (מעין read) קריאת התורה... ועדיין הם קבועים במקומם...
עוד הוסיפו לומר בכל יום וקרא זה אל זה ואמר זהו הטעם שאמרו (שאמרנו read) שלא היו
יכולין לומר קדושה בתוך התפלה בחטיבה אחת מפני שהאורבים היו שם וכו'. See further
the parallel passages given above, note 52, end.

ernment prohibition? No wonder then that owing to this vicious circle all the accounts relating to שעת השמד have been suspected by modern scholars.

5. In my opinion קדושה דסדרא *originally* meant *in Palestine* the Trishagion recited after the Shema' at the taking out of the Scroll on Sabbath mornings for the purpose of reading the portion (סדר, סדרא) of the respective week. That the weekly portion of the Torah in the Triennial Cycle prevalent in Palestine was known as סדרא is well established (see, e.g., the references given by Bacher, *Exeget. Terminologie*, II, 134). What more appropriate psychological occasion could there be for emphasizing the doctrine of the unity of God than at the taking out the Torah—that very Torah which Christianity claimed to have been superseded by the new dispensation—to recite the first verse of the Shema' and in connection therewith to reiterate the Trishagion with its Targumic paraphrase as not indicating the Trinity but rather being in accord with the strict Jewish conception of monotheism? Thus quite early in the Christian period the spiritual leaders of Palestinian Jewry must have ordained to bring emphatically the basic principle of Judaism to the notice of the worshippers assembled for the divine service on Sabbath morning. Then came the reading of the Torah with its Aramaic translation, likewise the prophetic lesson with its Aramaic Aggadic paraphrase and finally on the basis of the Scriptural readings the preaching and teaching of the Rabbis ending usually in depicting the Messianic age or alluding to the coming of the redeemer to Zion (ובא לציון גואל) which the worshippers would fervently take up with אמן יהא שמיה רבא מבורך eulogising God as above all human praises and pictures of consolation of Israel (לעילא מכל ברכתא ושירתא, תושבחתא ונחמתא).[57a]

Now that some such introduction and conclusion of the Scriptural readings were in vogue in the Palestinian ritual can still be detected from the scattered data. Above (p. 259 ff.) the

[57a] These four words indicate the contents of the service preceding this eulogy of God, viz. the various benedictions, the lectionaries from Scripture and the other praises, which were recited from the beginning of the morning service till the sermon of the preacher which contained 'consolations' (נחמות) probably in connection with the Haftarah of the week.

insertion of Shema' at הוצאת ס"ת, preserved in *Soferim*, 14.8–9, has been discussed. It was based on a characteristic interpretation of the passage in the Mishnah המפטיר בנביא הוא פורס על שמע. Now *Soferim* continues to describe this ceremony of taking out the Scroll by stating that after the Shema' the Mafṭir continues with a formula which resembles the Trishagion (14.10: והחר ואומר אהד אלהינו גדול אדונינו קדוש, אהד אלהינו רחום אדונינו קדוש, אחד אלהינו נדול אדונינו קדוש ונורא שמו)[58]. The author explains this threefold sanctification to correspond to the three patriarchs (כנגד שלשה אבות) but more correct is the alternative reason as corresponding to the threefold sanctus (כנגד שלש קדושות).[59] At the recital of the Shema' and the subsequent threefold yet monotheistic sanctification of God the Scroll was lifted up to make the ceremony still more impressive (14.11 end: וצריך להגביה את התורה בשמע ישראל ובאלו ייחודין שלשה ובגדלו ליי אתי.

The ritual in *Soferim* evidently represents already a modification by actually omitting the Trishagion with its Targumic paraphrase. This was the modified form already during the Muslim period after the vicissitudes of the custom as a result of the government proscription in the Byzantine period. For, such a custom as suggested above must have strongly offended the authorities when Byzantium became the champion of the Church. It is difficult to ascertain when the government stepped in to regulate the Jewish divine service according to its notions. The first definite information dates from 553 when Justinian issued his famous Novella concerning the Deuterōsis (though other interferences may be earlier). As a supplement of this edict then the Shema' and Ḳedushah (קדושה דסדרא) at the taking out of the

[58] The usual editions of Mas. Soferim have shortened this threefold sanctification but one MS. and the quotation in *Or Zaru'a* have the full text (see Müller's note 39 on p. 195) which is evident also from 14.11; אלו ייחודין שלשה. Interesting is the reference to God as "merciful" in view of the Christian version of the Trishagion ending with "have mercy upon us" (above p. 263)!

[59] To explain that the author refers to the three Ḳedushot recited on Sabbath morning (קדושה דיוצר, קדושת שחרית וקדושת מוסף) would pre-suppose him following the Babylonian custom for which there is no evidence. In Palestine Ḳedushah was only recited in the Shaḥarit 'Amidah while קדושה דיוצר is also missing in the Genizah liturgical fragments of the Palestinian ritual (see *infra*, p. 274).

Scroll had to be omitted. With the preachings of the Rabbis also proscribed, the subsequent Ḳaddish with אמן יהא שמיה רבא went too. Hence the report in the name of R. Benjamin b. Abraham 'Anav (the same who reported about the insertion of Shema' in לעולם יהא אדם, above p. 247) of a prohibition of the Ḳaddish in the Hebrew language.[60] The reason given is not very convincing but the tradition of a proscription of אמן יהא שמו הגדול מבורך seems to have some plausible basis because it followed the preachings (Deuterōsis) of the Rabbis.[61] Our explanation of קדושה דסדרא as the Trishagion recited at הוצאת ס"ת explains also its reported connection with the prohibition of the reading and the translating of the Torah (above p. 268).

The ordinary Ḳedushah in the 'Amidah of Sabbath Shaḥarit was probably not proscribed as it contained merely Is. 6.3 and Ezek. 3.12 to which Christianity could not object as it too was having the Trishagion in its liturgy. It was therefore used by the Rabbis as a place wherein to insert the beginning and the end of the Shema' which had been prohibited. It was done secretly and slurred over in the intonation of the Ḥazzan (as described above, pp. 252). But the קדושה דסדרא found now its place in ובא לציון which was probably instituted at Sabbath Minḥah before קה"ת.[61a]

[60] ורבי בנימין אחי נר"ו I: שבה"ל, ed. Buber, p. 9: (cf. תניא, ed. Hurwitz, p. 6d) כתב: שתחלת אמירתו היתה בלשון עברי כמו שאמרנו למעלה: ולא עוד אלא שבכל שעה שישראל נכנסין לבתי כנסיות ולבתי מדרשות ועונין אמן יהא שמו הגדול מבורך (ברכות, נ', ע"א), ובכמה מקומות מצאתי באגדה נמצא בלשון הזה. ובימי שמד נזרו שלא יאמרו שמו הגדול מבורך לכך הנהיגו לאמרו בלשון ארמי שלא היו האויבים מכירין בו. ואע"פ שבטלה (שבטל read) השמד, לא רצו להחזיר הדבר לישנו בלשון עברי כדי שלא ישתכחו הנסים והנפלאות וכדי לעשות פומבי לדבר. The French authorities did not know of such an explanation. Hence Tosafot (Ber. 3a bottom) explains הקדיש נתקן בלשון תרגום בעבור ע"ה whereas another, rather mystical, reason is given on account of the "serving angels" (*Pardes*, ed. Ehrenreich, p. 326: ואם ישאל אדם: למה אומרים בלשון ארמי הקדישז כדי שלא ירגישו מלה"ש ששמו של הקב"ה הוא חסר שמא יחרבו את העולם. לכך אנו אומרים בלשון ארמי כי אינן מבינין אלא להק"ק בלבד וכו', see also לקוטי הפרדס, 7d, 8a). Cf. further Abudraham, ed. Prague 1794, 21b bottom, 22b.

[61] See also Pool, *The Old Jewish-Aramaic Prayer, the Ḳaddish*, 1909, p. 20.

[61a] With regard to ובא לציון on Sabbath Minḥah there was a difference of custom in Babylon; in Sura and all over Babylon it was recited after the reading of the Torah whereas only in the school of Pumbedita this was done before קה"ת (see Genizah responsum cited by Mann, 317, note 108: במנחה בשבת שני מנהגין יש: בישיבה שלנו (i. e. Sura) ובבבל כולה קורין בתורה ואחרי כן אשרי ובא לציון,

This service was not watched by the government as it contained nothing objectionable. The above whole ceremony in connection with the taking out of the Scroll was only at Shaḥarit as evident from the fact that it was assigned to the Maftir. There was no Haftarah in Palestine at Sabbath Minḥah (unlike Babylon, see *infra*, p. 282 ff.). Hence the authorities could be outwitted by having at Minḥah ובא לציון with Ḳedushah and its Targumic paraphrase. This explains the reports that people would assemble again in the synagogue (see notes 52 and 53), viz. for Minḥah service after having had their Sabbath meals soon after midday.[62]

Thus קדושה דסדרא was originally a Palestinian custom for Minḥah on Sabbaths. In Babylon there was no need for the whole ceremony at הוצאת ס"ה because her Jewry had not the same problem of emphasizing the unity of God in the Trishagion. The insertion of Shema' at the taking out of the Scroll was probably never adopted there because the Mishnah המפטיר בנביא הוא פורס על שמע was interpreted differently (see above p. 260). Moreover since Yezdejerd's prohibition of the Shema' (above p. 256) it was not found advisable to add it at the taking out of the Scroll as it might endanger the whole reading of the Torah. Hence it is not mentioned in the Babylonian ritual in this connection though אחד אלהינו גדול אדונינו קדוש ונורא שמו is still preserved in 'Amram (ed. Warsaw, p. I, 24a) as a relic of the Palestinian custom (or it may be it was taken over later on in the Muslim period). But קדושה דסדרא in ובא לציון, as it had been evolved in Palestine, found

ובישיבה פום בדיחא קורין כולא סידורא «ובא לציון» (viz. ומקדשין :אום' עד עושה ש[ש]לום וקורים בתורה ומקדשין בתפלה (viz. end of Ḳaddish). It seems that Pumbedita followed here the Palestinian custom as was the case also with another liturgical item, viz. אהבת עולם and not אהבה רבה as the beginning of the second benediction before Shema' (see Mann, 291).

[62] The custom of holding the Sabbath morning service till noon is reported by Josephus (*Vita*, 54, 279), in describing the political meeting held in a synagogue (proseucha) at Tiberias on a Sabbath (evidently in connection with the service) during his governorship in Galilee (67 C. E.) which grew excited and "had certainly gone into tumult, unless the sixth hour (i.e. noon-time) which has now come, had dissolved the assembly, at which hour our laws require us to go to dinner on Sabbath-days." Cf. further R. Joshua's statement with regard to Yom Tob (Beṣah 15b): חלקהו חציו לה' וחציו לכם. For this arrangement evidently the description of the service on 1. Tishri in Neh. 8. 3, 10–12, served as a model.

entrance in Babylon and it was even introduced for weekdays after Shaḥarit. There set in a desire of having three times Ḳedushah in Shaḥarit (viz. קדושה דיוצר, קדושה דעמידה and קדושה דסדרא).[63] Altogether the Trishagion for mystical purposes was more solemn in the Babylonian ritual than in the Palestinian. Thus Abraham Maimuni reports that in the Babylonian synagogue in Fusṭāṭ the Ḳedushah of the 'Amidah was recited standing whereas in the Palestinian synagogue sitting (see *J.Q.R.*, V, 421–2). This difference in custom evidently went back to earlier times as prevalent in the respective countries Babylon and Palestine.[64] Moreover in Palestine the Ḳedushah was at all omitted during weekdays (see above, p. 255, note 37) though this may have been a result of the proscription of the daily 'Amidah. Also Ḳedushah of Yoṣer is missing in the Palestinian ritual and seems more likely to be a Babylonian innovation (see Mann, pp. 289–90).

6. This seems to me to be the only plausible explanation of this whole complicated problem of קדושה דסדרא. It reconciles the various accounts and renders them more or less intelligible. There remains only to discuss briefly the passage in Soṭah 49a wherein this Ḳedushah is mentioned as a unicum. The Mishnah (48a) contains a statement by Simon b. Gamliel, in the name of Joshu'a b. Ḥananya, that since the destruction of the Temple no day passes without some evil event (מיום שחרב בהמ"ק אין יום שאין בו קללה) evidently referring to conditions in Palestine. Thereupon Raba, head of the school of Meḥuza in Babylon (337–352 C. E.), remarks that the curse of each succeeding day is greater than that of the previous one (49a: בכל יום ויום מרובה קללתו משל חבירו). Now conditions of Jewish life in Babylon were not so bad in his time. It was the reign of Shāpūr II whose mother, Iphra Hormuzd (אפרא הורמיז), especially befriended the Jews.[65] It is true that Raba

[63] Cf. note 55, end.

[64] Just the reverse was the custom with regard to the Shema' which the Palestinians recited standing but the Babylonians sitting (see חלוף מנהגים, ed. Müller, p. 10; *Gaonic Responsa*, ed. Harkavy, p. 399; Finkelscherer, *Lewy Festschrift*, 255).

[65] See B. B. 8a, bottom, and 10b, bottom. When Raba drew upon himself the wrath of Shāpūr because a Jew, whom he had sentenced to be flogged, died as result thereof, Iphra Hormizd dissuaded her royal son from prosecuting Raba (see Ta'an. 24b and cf. Mann, הצופה לחכמת ישראל, X, p. 204–6).

complained of heavy expenses to keep the authorities in good humor[66] but, compared to contemporaneous conditions in Palestine during the reign of Constantius, the Babylonian Jews could regard themselves rather fortunate. It seems therefore that in commenting on the statement of the Mishnah, Raba was likewise thinking of conditions in the Holy Land. He was well informed about them from the Babylonian scholars studying in Palestine who had to come back to their native country right from the beginning of Constantius' reign owing to persecutions.[67] He too was informed of the difficulties which the Patriarch was experiencing with regard to the fixing of the calendar (Sanh. 12a). How appropriate then was Raba's comment on R. Joshua's remark about conditions in Palestine since the destruction of the Temple that, as things were in his own time in the Holy Land, the evil ('curse') seemed to grow from day to day!

After Raba's comment we have the passage: ואלא עלמא אמאי קא מקיים? אקדושה דסדרא ואיהא שמיה רבא דאגדתא שנא' ארץ עפתה כמו אפל ולא סדרים (איוב, י', כ"ב), הא יש סדרים (רש"י: סדרי פרשיות דתורה!) תופיע מאופל. It is evident that the "world" means here the Jewish world and that there is a poignant allusion to the chaotic conditions in Palestine owing to the persecutions. The question is whether this passage is a continuation by Raba himself or is a later addition by the redactors of the Talmud or even by the Saboraim. It seems to imply the proscription of קדושה דסדרא

[66] Hag. 5b, top: אסר (רבא) להו (לרבנן): מי ידעיתו כמה משדרנא בצנעא בי שבור מלכא!

Of course since 337 or 338, when Shāpūr started his long drawn war against the Byzantine Empire, the Jews in Babylon were subjected to heavy war expenses together with the rest of the population but of a religious persecution there is no evidence. As a matter of fact while the Christian population in Babylon was heavily punished for its loyalty towards Christian Rome (since 339–40) the Jews were not molested (see Nöldeke, *Aufsätze zur pers. Geschichte*, 98–99). Cf. also Funk, *Juden in Babylonien*, II, 41–46, who, however, has overdrawn the picture and several of whose statements and supposed references have to be used with caution.

[67] The so-called נחותי דמערבא. Cf. Sherira's Letter (ed. Lewin, p. 61): ובתר הכי אביי ורבא ונפיש שפדא בא"י ואסעיטא הוראה תמן טובא, ונחית טן דהוה תמן טן בבלאי כנון רבין ורב דיסי וכלהו נחותי דנחיתא להכא. Cf. also Halevy, דוה"ר, 366 ff., 455 ff., 467 ff., whose conclusions also need a critical sifting.

before the reading of the Torah and the Ḳaddish after the preachings of the Rabbis. These sanctifications of God recited under difficulties help to preserve the Jewish world intact. They seem to have been introduced already in Babylon, especially the form of קדושה דסדרא in ובא לציון as evolved in Palestine to outwit the authorities who prohibited it before the reading of the Law. In Babylon the קדושה דסדרא became a daily feature after the Shaḥarit service in connection with the study of the Bible and the Rabbinic tradition. If Raba is the author of this passage, we would have to assume the prohibition of קדושה דסדרא before קה"ת and its insertion in ובא לציון already in the time of Constantius for which, however, we have no direct evidence, though the general designation of his rule as time of שמד would render such an assumption possible. But it is more likely that the whole interference with the divine service of the synagogue dated from 553 in connection with Justinian's law about the Deuterōsis. Hence this passage in Soṭah 49a should be regarded as a later addition by the Saboraim, who realizing the significance of Raba's statement as reflecting conditions in the Holy Land in his own time, adjoined to it an item which resulted from Byzantine intolerance about two centuries later. By that time Babylonian Jewry too had undergone periods of persecutions under Yezdejerd II, under Perōz, and under Kavādh in connection with the movement of Mazdak. During these trials they saw their schools disbanded and their synagogues closed, the Shema' proscribed as well as the Hafṭarot from Deutero-Isaiah (see *infra*, p. 282 ff.), the Sabbath desecrated and even their children taken away from them to be brought up by the Magians. Though in the second half of the 6th century the force of Magian intolerance was not so oppressive, the Jewish position seems to have been still insecure. Sherira in his Letter reports of troubles and persecutions right down to the close of the Persian period which prevented the schools from functioning properly and altogether hampered the pursuit of the study of Judaism.[68] Hence in Babylon too the Jewish world was declared to exist on קדושה דסדרא and אמן יהא שמיה רבא after the sermons. These sanctifications kept alive in the hearts

[68] See above, p. 258.

of the people the principle of monotheism and the hope of the Redemption. Thus the whole significant Talmudic passage in Soṭah 49a, when properly illumined, casts additional light on the problem of קדושה דסדרא as discussed in the previous pages.

III

Objections to the Daily 'Amidah.

1. The prohibition of reciting the daily 'Amidah in Palestine is expressly reported by Yehudai Gaon (above p. 253, cf. note 15), no doubt owing to benediction 12, the well-known ברכת המינים, which in the Palestinian version had a direct reference to the Christians (הנוצרים). It is not stated since when this proscription came into force. Though Yehudai probably speaks of the last period of Byzantine rule in Palestine (since its reconquest from the Persians by Heraclius, 629), the prohibition may have been older and was re-enacted after the reconquest (see above p. 254). Epiphanius, himself a native of Palestine, in his famous work against the heresies (the Panarion, begun in 374) refers to this benediction recited three times daily and likewise Jerome who lived many years in Palestine (after 385 till his death in 420).[69]

In the absence of any definite information we have to assume that the prohibition started under Justinian about the same time when the Shema' and the Deuterōsis were forbidden. But perhaps the references to this benediction by Epiphanius and Jerome caused the authorities to decree the proscription still earlier. What substitute was discovered by the Rabbis is also unknown. Should we say that the shortened 'Amidah, three versions of which have been preserved in the Palestinian ritual for Minḥah,[70] originally served as a substitute for the proscribed full 'Amidah? Later on in the Muslim period, when the full 'Amidah could again be recited, these shortened 'Amidot then were relegated to the Minḥah service. The direct reference to the Christians had in course of time to be omitted—as was only proper. How long the original form was preserved in Babylon is also difficult to say.

[69] See the passages cited by Schürer, *Geschichte d. jüd. Volkes*, 4th ed., II, 544, note 161. Cf. also Krauss, *JQR*, V, 130 ff.

[70] See Mann, 300–302, 309–11.

Only one version of 'Amram has a more or less similar formulation of the benediction to that of the Palestinian ritual.[71] In Babylon Jews and Christians were more friendly to each other especially since they would frequently share the common intolerance of Magian fanaticism. Therefore it may be assumed that the Jewish leaders found it advisable to leave out this obnoxious reference. The burden of the benediction was directed more against lawbreakers within the Jewish fold—informers, apostates, and heretics.[72]

2. From the statement of the Church fathers it is evident that the 'Amidah was recited in Palestine also at Ma'arib though this was not obligatory (תפלת ערבית רשות). Now a report that is not earlier than the second half of the 13th century connects the third section in Ma'arib after the Shema', viz. the one beginning with ברוך י"י לעולם אמן ואמן, with the prohibition of the 'Amidah. This passage was supposed to consist of verses mentioning the divine name 18 times corresponding to שמו"ע.[73] But it is rather strange that the Palestinian liturgy, as preserved in the Genizah, has not at all this passage[74] though, of course, it could be argued that it was omitted in the Muslim period when the 'Amidah was reinstituted in Ma'arib. The Geonim speak only in a general way of the passage having been introduced by the later scholars (רבנן בתראי), viz. of the Saboraic period.[75] But Rashi was led into evolving a theory of how the Babylonian scholars composed this section and forwarded it as a gift to the sages of Yabneh in lieu of

[71] See Marx, *Untersuchungen z. Siddur des Gaon R. Amram*, Hebrew part, pp. 5–6.

[72] The various forms of this benediction need not be discussed here. See Berliner, *Raudbemerkungen zum tägl. Gebetbuche*, I, 50 ff., and also the literature cited by Elbogen, 2nd ed., pp. 516, 519.

[73] See שו"ת רשב"א, I, No. 14: אבל ברכת המולך... יש בה י"ח הזכרות ונתקנה ביומי השמר שנזרו שלא להתפלל ועמדו ותקנו אותה ברכה שיש בה י"ח (insert (אזכרות כמו י"ח ברכות שבתפלה, ואע"פ שבטלה נזרה, נשארה אותה ברכה ביד הדורות.
Abudraham, ed. Prague, 43a, quotes the same in the name of בעל המנהגות, viz Asher b. Saul of Lunel, author of ספר המנהגות, who lived in the 14th century (see Gross, *Gallia Judaica*, 281) and hence after Rashba (who died in 1310).

[74] See Mann, pp. 304–5, which is now modified by the present remarks.

[75] See Naṭronai's responsum in 'Amram, ed. Warsaw, I, 25a, and 'Ittim, pp. 172–3. See also 'Amram, I, 19a.

the שמו"ע received from them[76]—a theory that is impossible on the surface since the whole section is not mentioned in the Talmud at all. The Mishnah laying down the rule that at Ma'arib the Shema' should be followed by two benedictions (Ber. 1.4) would certainly not have overlooked the third section had it been already in the hands of the scholars of Yabneh. The Gaonic tradition of its later origin is correct though it need not have been composed in Babylon by the Saboraim but *in their time* in Palestine as a result of the prohibition of the 'Amidah, probably by Justinian, hence in the 6th century in the Saboraic period. This would be borne out by the report of Ibn Yarḥi (*Manhig*, p. 22b) who traces it to אנשי מערב, viz. the scholars of Palestine. The very fact that the sources speak of 18 אזכרות and not 19 (only Ibn Yarḥi has 19) would indicate a Palestinian origin where the 'Amidah consisted of 18 benedictions only. It is difficult to state certainties on this matter owing to lack of evidence but the Palestinian origin of ברכת המולך should not be ruled out of likelihood.[77] The section was taken over by the Babylonian Jews though they could recite the 'Amidah and hence it had been retained even later on whereas in Palestine it disappeared with the re-introduction of the Ma'arib 'Amidah after the conquest of the Holy Land by the Arabs. The report concerning the שמר, though mentioned first by R. Solomon ibn Adret, may go back to a much earlier source and need not have been invented by him especially as he was no doubt aware of the other explanations given for ברכת המולך.

IV

Changes in connection with the reading of the Torah ana the Prophets.

1. A restrictive regulation of the manner of reading the Torah and the Prophets was enacted by Justinian in the famous Novella 146 (in February 553). If we follow Juster's interpretation[78], the

[76] See the curious passage in *Pardes*, ed. Ehrenreich, 304, Vitry, 78, *Siddur Rashi*, 213–14, שבה"ל, p. 21a (where it is expressly quoted in the name of Rashi).

[77] See Elbogen, p. 102–5, and notes (2nd ed.), p. 529, whose remarks on the problem are somewhat inexact.

[78] See Juster, *Les Juifs dans L'Empire Romain*, 1914, I, 369 ff. Juster (p.

dispute about substituting for the Hebrew reading with its Aramaic translation (Targum) a reading in the Greek language, as demanded by a number of Jews, gave the occasion to the Emperor, when the matter came to his notice, to regulate the divine service of the synagogue. While granting freedom to the worshippers to have the Bible read in the language understood by them, either in Greek in the translation of the LXX or in that of Aquila (but in no other version), or in Italian, he forbade at the same time the Deuterōsis, evidently meaning thereby the Oral Law which was the basis upon which the Rabbis developed their themes in addressing the worshippers after the reading of the Biblical lessons. In interpreting these lessons they would quote statements of the sages from Mishnah, Talmud or Midrash introducing them by a formula such as שנו חכמים or תנו רבנן, hence using the verb שנה (Aramaic תני) from which משנה = *δευτερώσις* is derived.[79] The prohibition of the sermons meant that the people were deprived of Halakhic instruction and of Aggadic emulation, for these usually formed the themes of the sermons in connection with a Rabbinic interpretation of the Biblical lessons

370, note 3) argues (against Graetz) that the Greek was to supplant the Hebrew according to the demand of a minority section of the Jews. On the other hand Krauss (*Studien zur byz.-jüd. Geschichte*, pp. 58 and 60) follows Graetz's view that this demand, granted by the Emperor, meant only the elimination of the Targum and the substituting for it the Greek version side by side of the original Hebrew.

[79] In the writings of the Church fathers the term usually stands for Mishnah (see the passages cited by Juster, p. 372, note 6) which term denoted "the Oral Law and its parallel to מקרא, the term for Scripture and its study" (see Bacher, *Exegetische Terminologie*, I, 122). Cf. the interesting passage of Epiphanius (cited by Juster): Quantae traditiones Pharisaeorum sint, quas hodie vocant *δευτερῶσιν*, et quam aniles fabulae evolvere nequeo..... Unde et doctores eorum *σοφοί* (=חכמים), hoc est sapientes, vocantur. Et si quando certis diebus traditiones suas exponunt, discipulis suis solent dicere: *οἱ σοφοί δευτερῶσιν* (=שנו חכמים, cf., e.g., Abot 6.1: שנו חכמים בלשון המשנה), id est, sapientes docent traditiones.

Krauss, p. 61, overlooked the fact that the sermons were based on the Deuterōsis and therefore jumped to the conclusion that Justinian ordered the closing of the schools for which there is no evidence. For other explanations see also Eppenstein, *Beiträge zur Geschichte u. Literatur im geon. Zeitalter*, 26, note 4, where various views are given.

read at the service. A reminiscence of the occasion of this prohibition we have in the phrase שלא יקראו בתורה ויתרגמו (in the passage cited above, p. 268, note 54). Moreover the report of Yehudai Gaon about conditions in Palestine prior to Arab conquest (above p. 253) clearly refers to a previous impossibility of studying the Torah (לעסוק בתורה (i.e. the Arabs) והגיחום), viz. to expound the Oral Law at the services, and it also indicates that the מעמדות, i.e. the Piyyuṭim, were recited on Sabbath morning, which contained the very elements of the sermons, viz. אכור והתר (Halakhah) and Aggadah.

This statement of Yehudai Gaon can now be used as the earliest account in connection with the modern theory of the rise of the Piyyuṭ.[80] It corroborates the statement of *'Ittim*[81] in the name of Gaonic authorities (רבוותא) that the Piyyuṭ was instituted at a time of שמד "when they (the Rabbis) could not mention the words of the Torah (viz. the Oral Law) because the enemies decreed upon Israel not to study the Torah (לעסוק בתורה)", exactly the same phrase as in Yehudai's statement. Thus Elbogen's argument[82] that Judah b. Barzillai's account is similar to that of the apostate Samuel ibn Yaḥya al-Magrebi, who traced the origin of the Piyyuṭ to the persecutions in Babylon and in Persia due to the Magians,[83] falls to the ground. Either this apostate confused the reports or it may be that during the troubles and persecutions at the end of the Persian rule in Babylon, as reported by Sherira (above, p. 258), the Jewish services were interfered with and the Piyyuṭ was used as a substitute for the Rabbinic instruction. But there is ground to believe that the Piyyuṭ as such originated in Palestine as a result of Justinian's prohibition of the Deuterō-

[80] See Eppenstein, p. 26 ff., and cf. also Davidson, *Maḥzor Yannai*, XVI ff., whose theory of the cryptic language of the Piyyuṭim may however need still further substantiation.

[81] P. 252: יען שפיוטין אלו שנהגו העולם למיסרינון חזי לנא לרבוותא שלא נחקן אלא בשעת השכר בלחוד, מפני שלא היו יכולין להזכיר דברי תורה כי היו נוזרין האויבים על ישראל שלא לעסוק בתורה, ועל כן היו חכמים שביניהם מתקנין להן בכלל התפלה להזכיר ולהזהיר לעמי הארץ הלכות חג בחג והלכות ימים טובים והלכות שבתות ודקדוקי המצות בדרך שבחות והודיות ותרוזות ופיוטים.

[82] *Der jüd. Gottesdienst*, 283.

[83] See Schreiner, *M. G. W. J.*, XLII, 221.

sis and that it took the place of the preachings of the Rabbis.[84] It continued to flourish even after the era of religious freedom had set in with the conquest of Arabs. R. Yehudai's criticism against the מעמדות, the Paiṭanic insertions in the Sabbath 'Amidah containing אסור והתר and Aggadah and breaking the scheme of the ritual, seems to have had little effect in Palestine. He could not stamp out the Piyyuṭ even in Babylon, though he and several other Geonim subsequently had tried to limit its extent.[85] The Piyyuṭ spread from Palestine to the whole of Byzantium and to Southern Italy, where Byzantine intolerance continued for a long time, and from there to other European countries. However, this is not the place to describe the growth and the spread of the Piyyuṭ as the discussion here is only limited to the accounts of its having found a prominent place in the divine service of the synagogue as a result of persecutions (שמד).

2. On the other hand the report that the very reading of the Haftarah from the Prophets having been a substitute for the reading from the Pentateuch, which had been proscribed by Antiochus Epiphanes,[86] does not seem to have any historical basis. In the persecution of Antiochus the whole existence of Judaism was involved and not a mere item of the service such as the reading of the Torah. More credence, however, is to be given to the reports concerning the Haftarot read in Babylon at the Minḥah service on Sabbath which had to be abolished on account of their proscription by the Persian government. This government action (שמדא) is reported briefly without indicating its cause by R. Naṭronai in a responsum which reads (*Geonica*, II, 302, No. XXVI): בדורות ראשונים כשהיו קורין במנחה בשבת היו מפטירין בישעיה נביא (read הנביא), ושש' (=וששאלתם) מהו המפטיר בנביא במנחה בשבת (Sabb. 24a)?

[84] Cf. also the passage in Pardes, ed. Ehrenreich, p. 229: ולפי שכבר דל (read דלה) החכמה ונתמעטה עמדו בטקום מדרש וקרובות ופיוטי הענין. See also Epstein, *M. G. W. J.*, XLIV, p. 295–6, and Davidson, *l.c.*, XVI.

[85] See Ben-Baboi's objections (*REJ.*, vol. 70, 130–131, 133) based on R. Yehudai's and see Eppenstein, *l.c.*, p. 39 ff. On the other hand see the defence of the Piyyuṭim by R. Gershom Meor Haggolah (in שבה"ל, ed. Buber, 25–6), and *Pardes*, *l.c.*

[86] See Abudraham, ed. Prague, 52b, and Elijah Levita (תשבי, s.v. פטר). The latter has a report which ascribes to persecution to Antiochus Epiphanes. See also Elbogen, p. 175.

וכולן בנחמות שבישעיה, ולא היו מוסיפין על י' פסוקין. וגזרו פרסיים שמרא שלא להפטיר, וכיון שסילקו (insert מלהפטיר) סילקוהו.[87]

The original custom of Haftarot at Sabbath Minḥah is no doubt Babylonian being in explicit contradiction to the Palestinian rite as laid down in the Mishnah (Meg. 4.1: בב' וה' ובשבת במנחה קורין שלשה...ואין מפטירין בנביא). Rab (who returned to Babylon about 219 C. E., as usually accepted) refers to the Haftarot at Sabbath Minḥah in Babylon as well-established.[88]

[87] This responsum is also to be found in ח"ג, No. 95 (among other responsa of Naṭronai) and is further cited in his name by R. Isaiah di Trani (ס' המכריע, ed. Livorno, 20b, bottom). Rashi (to Sabb. 24a, s. v. להפטיר) cites it anonymously and incompletely: מצאתי בתשובות הגאונים שהיו רגילים לקרוא בנביא בשבתות במנחה עשרה פסוקים, וביטי פרסיים גזרו גזרה שלא לעשות וכו'; thus leaving out the essential detail of נחמות שבישעיה which helps to ascertain the reason of the proscription by the government.

Graetz, *M. G. W. J.*, 1887, 554–55, wrongly explains the responsum in ח"ג to refer to a Byzantine persecution, even suggesting that ובשני פרסיים is a corruption, due to the censor, for ובשני רומיים. But the reading פרסיים is now well-established by the Genizah text (in *Geonica*) which, needless to say, was not subject to the whim of a Christian censor. Graetz's other arguments are feeble as all ones *e silentio* are. Moreover in Palestine Haftarot at Sabbath Minḥah were never in vogue as shown above in the text.

[88] Sabb. 24a bottom: דאמר רב אחדבוי בר רב מתנה אמר רב מתנה אמר רב הפטיר בנביא במנחה בשבת א"צ להזכיר של יו"ט שאלמלא שבת אין (so in MS. Munich) נביא במנחה ביו"ט. This reading is also in *'Ittim*, 271, top. In Hai Gaon's responsum רבא is evidently a misprint because R. Matnah was a colleague of R. Yehudah b. Ezekiel (Ber. 11b). The French Tosafists indeed realized the contradiction with the statement in the Mishnah (so R. Isaac הזקן in Tosafot, ibid., s.v. שאלמלא) but the reply of R. Tam is wholly unsatisfactory. He suggests that by "prophet" the Hagiographa are meant similar to the custom in Nehardea to read passages from them at Sabbath Minḥah (Sabb. 116b: בנהרדעא פסקי סידרא בכתובים במנחתא דשבתא). But the whole passage there refers to study at the Bet Hammidrash and not to the service in the synagogue as has been rightly pointed out by R. Isaiah di Trani (ס' המכריע ואינו נראה לי דהאי פסקי סידרא לא משמע התם אלא שהיו דורשים בכתובים או קורין בהם במנחה בשבת כשלא היה להם זמן ביהמ"ד שאחר שאכלו לא היו דורשים לרבים. R. Isaiah after deducing evidence concludes (20d): אלמא פסקי סידרא לא משמע דרשה ולא הפטרה (read perhaps לענין) אלא לכוין. It is evident that R. Tam did not know of the respective Gaonic responsa, which explicitly indicate Haftarot from the Prophets, as otherwise he would not have made his fallacious suggestion. He also did not have the emendation יו"כ שחל להיות בשבת, which Judah ibn Barzillai mentions (*'Ittim*, 271, top). It is evidently a later change by

The custom must have been in vogue in Babylon long before the Mishnah became there the accepted code and the object of intensive study in the schools since the times of Rab and Samuel, or else it would have been abolished by reason of its contraditcion with the proscription in the Mishnah. The exalted orations of Deutero-Isaiah, by which the נחמות שבישעיה are evidently meant,[89] were especially precious to the Jews in Babylon and in Persia since they dealt with conditions of the exiles in Babylon. Who knows whether their recital was not instituted in Babylon during the early Persian period before the conquest of the country by Alexander the Great? Living in a social environment where Zorastrianism was predominant, how better could the Jewish spiritual leaders impress upon their people the monotheistic principles of their faith than with such a passage as Is. 45.1–7, especially verse 7: יוצר אור ובורא חשך עשה שלום ובורא רע אני ה' עשה כל אלה?[90] For a group living in a heathen environment and away from the center in Palestine, such as the Babylonian Jews were, the glowing fervor and exaltation of the chapters of Deutero-Isaiah indeed were admirably suited for public reading on Sabbath afternoons. The aim of these prophecies, in the words of Driver (*Introduction to the Literature of the O. T.*, 8th ed., pp. 230–31), "to arouse the indifferent, to reassure the wavering, to expostulate with the doubting, to announce with triumphant confidence the certainty

copyists against which already R. Zeraḥya Hallevi (מאור to Alfasi, Sabb. *a.l.*) protests.

[89] Though the Talmud (B. B. 14b) regards the whole of Isaiah as containing "consolations" (וישעיה כוליה נחמתא, cf. also Ber. 57b: הרואה (בחלום ספר) ישעיה יצפה לנחמה), evidently referring to the cheerful visions to be found in chapts. 1–39 (e. g. 2.1–4; 9.1–6; c. 11–12; etc.), the term נחמות שבישעיה stood for sections chiefly taken from Is. 40 ff., though chs. 34–35 may have been included. It should be noted that the Hafṭarot for שבת נחמו and onward, the well known שבעה דנחמתא (to be discussed later on), are all taken from Deutero-Isaiah. About Isaiah, as the prophet of consolation, see also S. E. R., c. 16, pp. 82–3.

[90] About the insertion of this verse in a modified form (viz. ובורא את הכל for ובורא רע) in the morning service for the purpose of emphasizing monotheism against Zoroastrianism, see the attractive theory of Blau, *REJ.*, vol. 31, pp. 190 ff. Who knows whether originally the benediction יוצר אור did not end with ובורא רע? Cf. Ber. 11b where the change is explained to be due to a desire of using a more auspicious language (לישנא מעליא).

of the coming restoration"—held good for a long time after their first pronouncement.[91]

The Hafṭarot from the "consolations" of Deutero-Isaiah at Sabbath Minḥah thus were probably continued to be recited in Babylon and Persia for several centuries till the Sassanids came to power in 226 in the time of Rab. As the Talmud does not mention anywhere of their having been proscribed by the new government, we may assume that the Jews followed their time-honored ritual throughout the Talmudic period. The prohibition, recorded by R. Naṭronai, probably took place during the fanaticism in consequence of the movement of Mazdak which brought great trials upon the Babylonian Jews towards the end of the 5th century and the beginning of the 6th. A verse like Is. 45.7 was regarded as a distinct challenge to the principle of dualism. Another objection may have been found by the fanatical Magians in the reference to Cyrus (Is. 44.28, 45.1) as achieving his glory for the sake of Israel (see Is. 45.4) since his memory was greatly revered by the Magians as the champion of Zoroastrianism. Altogether the great emphasis of Deutero-Isaiah on the nature of God as "the Creator, the Sustainer of the universe, the Life-Giver, the Author of history, the First and the Last, the Incomparable One" (in the words of Driver, ibid. p. 242) together with the glowing pictures of the restoration of Israel and the triumph of Zion must have been offensive to the spokesmen of Zorastrianism.[92] Hence these Hafṭarot recited at Sabbath

[91] But it should not be overlooked that Isaiah was a favorite book especially in Palestine for the Hafṭarot of the Triennial Cycle. Out of the 45 Hafṭarot to Genesis, 29 are from Isaiah and out of the 29 to Exodus, 18 are from this prophet (see Dr. Büchler's discussion of the problem, *JQR.*, VI, 54 and 60). Several of these Hafṭarot are from ch. 40 ff. Were we to know the exact Hafṭarot in Babylon at Sabbath Minḥah it would be of interest to trace how many of them corresponded to the Palestinian Hafṭarot from Isaiah at the morning service. Who knows whether the many Palestinian Hafṭarot eliminated in Babylon owing to the Annual Cycle had not found again their place in the Minḥah services?

[92] Both Rappaport (ערך סלין, ed. Warsaw, I, 336) and Weiss (דור׳ד, IV, p. 5, note 7) missed the right point in trying to explain the reason of the prohibition. Altogether Rappaport's remarks on this problem of the Minḥah Hafṭarot have been rightly criticized by Schorr (החלוץ, II, 143–4).

Minḥah were proscribed and were not again re-introduced in Babylon even after the intolerance had ceased, evidently because of the fact that the Haftarah of Minḥah was against the Mishnaic prescription. Yet as late as in time of Hai Gaon there were still distant congreations in Elam and in the islands of the Persian Gulf, who retained the custom,[93] probably because the proscription of the central government at Ctesiphon in Babylon had no-sustaining power enough to reach these outlying communities among whom then the Haftarot at Sabbath Minḥah had never gone out of practice.[94] The whole custom of Haftarot at Sabbath Minḥah was one of the old differences in custom between Palestine and Babylon (as Schor in note 111 to *'Ittim*, p. 271,rightly pointed out) just as the difference of the Triennial and Annual Cycles respectively. The collection of differences (חלוף מנהגים) between these two countries, emanating from the Gaonic period, however, no longer mentions this item because at that time it had already long been abolished in Babylon, the seat of the academies.

3. Since the readings from Deutero-Isaiah were proscribed in Babylon, probably during the Mazdak movement, the question arises with regard to the Haftarot from the 9th of Ab to New Year, known as שבעה דנחמתא, which were taken exclusively from Is. 40 ff. Dr. Büchler (*J. Q. R.*, VI, 64 ff.) was on the right track in suggesting that these Haftarot had originated in Palestine. Elbogen (p. 178, see notes (2nd ed.) p. 545) has really no evidence for his suggestion that they were ordained "probably in Babylon." Dr. Büchler's theory is now strengthened by the remarkable discovery of H. St. John Thackeray (*The Septuagint and Jewish*

[93] *'Ittim*, p. 271: אבל חזי לן לרבינו האיי גאון... ואלו הן תורף דבריו... שמנהג היה בתחלה במקומות הרבה שמפטירין במנחה בשבת, ועדיין יש ספרי אפטרתא שיש בהם ענין למנחה לכל שנה וקורין לה נחמתא. אחר אפטרתא שחרית (read כותבין נחמתא בישעיה, נחמתא בירמיה. ויש מקומות בארץ עילם ואיי הים של פרס שרגילין בה עד עכשיו. המאור to Alfasi, a. l.). The phrase נחמתא בירמיה seems to me to be spurious in view of the fact that in B. B. 14b the book of Jeremiah is described as כוליה חורבנא (cf. also Ber. 57b: ירמיה ידאג לפורענות (הרואה בחלום ספר), though of course there are several passages that could have been selected containing consolations.

[94] This removes the difficulty raised by Dr. Ginzberg, *Geonica*, II, 298, who likewise failed to realize the reason of the proscription of the Haftarah at Sabbath Minḥah.

Worship, 1921, pp. 84 and 100) that the consolatory portion of Baruch corresponds more or less to these consolation Haftarot being dependent also on Deutero-Isaiah, just as the previous portions of this apocryphal book correspond to the three Haftarot of Punishment (ג' דפרענותא) preceding the 9th of Ab as well as to the readings on the fast day itself (from Jeremiah and Job). If Thackeray's ingenious theory be right, then the Haftarot of Consolation are much earlier than the date suggested by Dr. Büchler (ibid. p. 72), viz. the post-Talmudical times. However, in Babylon these Haftarot from the נחמות שבישעיה were never introduced simply because the local ritual used Isaiah's Consolations as Haftarot on every Sabbath at Minḥah including the seven Sabbaths between the 9th of Ab and New Year.[95] With the proscription of these Minḥah Haftarot towards the end of the 5th century it would have been dangerous to adopt the "Seven Consolation" Haftarot as the morning Haftarot during these seven weeks. This cycle of 7 Haftarot thus evidently found no entrance in the Babylonian ritual before the beginning of the Muslim period. Since the Minḥah Haftarot were not re-introduced, in spite of the removal of their proscription with the overthrow of the Sassanids, because of the explicit statement in the Mishnah that at Sabbath Minḥah there should be no Haftarah, the cycle of שבעה דנחמתא from Deutero-Isaiah was thus adopted in Babylon for these seven weeks in accordance with the Palestinian custom.

V

Other Items.

In this section some items pertaining to the divine service of the synagogue will be discussed that underwent changes prior to the Byzantine and Sassanid periods respectively. The case of the Decalogue in the liturgy entails a change brought about by no

[95] Dr. Büchler writes (*l. c.*, p. 72, bottom): "the Babylonians were also apprised of the practice of reading the Haftarot exclusively from Isaiah" and as evidence he cites R. Natronai's responsum about the Minḥah Haftarot as if it referred to Palestine! He overlooked the end of the responsum which says clearly that these Haftarot were abolished בשני פרסיים, viz. the Sassanids, which can only refer to the Babylonian custom.

government interference but by the Jewish spiritual leaders in Palestine in order to counteract the polemics on the part of Jewish heretics. The elimination of the recital of the Decalogue daily in the service led to a change in the contents of the Tephillin. This symbol in its revised form was a part of the practice of Judaism, proscribed by Hadrian in consequence of the Bar-Kokhba revolt, and did not regain for itself general observance even after the Hadrianic edicts had been annulled. Finally a reminiscence from the Hadrianic persecution towards its close we have in the change of the time set for תקיעת שופר on New Year with which our discussion terminates.

1. The Decalogue in the Liturgy.

This problem needs only brief mention here in view of my remarks elsewhere[96] in connection to the reappearance of the Decalogue in the daily service at the Palestinian synagogue in Fusṭāṭ in the Muslim period continuing right down to the 13th century. The Decalogue, recited daily in the Temple by the officiating priests prior to the Shema', was eliminated in Palestine from the service of the synagogue some time after the destruction of the Temple (probably in the second century) because of heretical claims that only the Decalogue was Divine the rest of the Pentateuch consisting of later additions by Moses. How such claims could easily find acceptance among the people against the Rabbinic conception of תורה מן השמים and the Oral Law from Sinai is strikingly illustrated by the Nash Papyrus, being a fragment of an early liturgy prevalent in Egypt, wherein the Decalogue is followed by a Hebrew verse, not found in the Massoretic text but in LXX before Deut. 6.4 (the beginning of the Shema'), ואלה החקים והמשפטים אשר צוה משה את בני ישראל במדבר בצאתם מארץ מצרים. The elimination of the Decalogue prevailed in Babylon where attempts in the Amoraic period to re-introduce it in Sura and in Nehardea failed. But in Egypt apparently the Decalogue never disappeared from the liturgy. Anyhow we find it again in use in the Palestinian synagogue in Fusṭāṭ throughout

[96] See Mann, *Jews in Egypt and in Palestine under the Fatimid Caliphs*, I, 221–23, and especially *H. U. C. Annual*, II, 282–4.

the Gaonic period right down to the time of Maimonides and beyond (1211). Whether this was only a local Minhag in Egypt or whether in Palestine too the Decalogue was re-introduced in the Muslim period cannot as yet be ascertained.

2. Tephillin.

The problem of the Decalogue in the liturgy has a bearing also on the contents of the Tephillin in early times. It is not within the scope of this paper to discuss fully the origin of the custom of Tephillin.[96a] Whatever may have been the original form of the Biblical אות and טוטפות[97] it is evident that in the course of the period of the Second Commonwealth the Tephillin became the outward symbol of קבלת עול מלכות שמים. The very name תפלה used in the Rabbinic literature for the phylactery seems to be connected with a ceremony at prayer-time. The modern explanation of the word from תפל (=טפל) to attach, to affix, is not very illuminating as a better noun could have been formed from the roots קשר or עגד (viz. קֶשֶׁר or עֲנִידָה).[98] But even if this connotation

[96a] Rodkinsohn's work תפלה למשה (Pressburg 1883), while revealing the author's learning, basically suffers from lack of method and historical judgment. His theories need not, therefore, be dealt with here.

Schorr's article (החלוץ, V, 11 ff.) is indeed full of critical acumen but suffers from its too polemical tendency. While correctly realizing several features in the development of the custom, Schorr failed to obtain a clear view of the whole process. A radical fault of his was not to differentiate, when discussing the data, between the wearing of Tephillin at prayer only, and the whole day. Abraham Krochmal (עיון תפלה, Lemberg 1885, pp. 24–37), too, fails to give a clear picture of the history of the rite of Tephillin though some of his remarks are well worth while. He rightly surmised (p. 35) that there were once Tephillin containing five Biblical sections including the Decalogue but failed properly to understand this fact.

Blau's article (*J. E.* X, 26 ff.) is of a more informative nature than critical. In setting forth my own views it was not found feasible to enter into arguments on each point with the above authors but rather to let the data in their new construction speak for themselves.

[97] Cf. Hastings' *Dictionary of the Bible*, III, 869 ff., and *J. E.*, X, 26, 28.

[98] Kohut in *Aruch Completum*, s. v. טטפת (vol. IV, 25–6) and תפל (vol. VIII, 258) and Jastrow, s.v. Cf. also the phraseology in Siphre (ed. Friedmann, p. 74b): וקשרתם אלו בקשירה וכו'.

be granted, the expression תפלה (Aram. plur. תפלין to distinguish it from תפלות, prayers) was purposely chosen because the symbol had been originally meant to be used at prayer.[99] With the introduction of the Shema' in the daily service as an essential part of it, the Rabbis thought it proper to symbolise this declaration of the Unity of God by the Tephillin finding a support for this symbol in the literal interpretation of the verses in Deut. 6.8, 11.18 (Ex. 13.9, 16). The symbol was ordained primarily at the daily morning service. The reason why Tephillin were not put on on Sabbath morning was rather due to the strictness of the Sabbath observance and to the fear of carrying the Tephillin from the home to the synagogue (הוצאה).[100] By analogy to the Sabbath the Tephillin were not put on also at the service on the Festivals. The usual explanation of Sabbath and Yom Tob being themselves symbols and requiring no further אות is later and more of an Aggadic character.[101]

The primary connection of Tephillin with the morning service in conjunction with recital of the Shema' is also borne out by the seemingly curious report of Jerome that the phylacteries contained the Ten Commandments.[102] Jerome does not even

[99] So already in קול סכל, the polemical work against which Judah Leon Modena wrote his שאגת אריה (in בחינת הקבלה, ed. Reggio, p. 39): ואחשוב כי כתחלה היו משימים אותם (viz. התפלין) בשעת תפלה לבד, ולכן קראום תפלין, אח'כ קצתם החסידו יותר ללבשם כל היום וכו'.

[100] Cf. the cases of the Shofar, the Lulab and the Megillah when either New Year, or the 1st day of Tabernacles or Purim happened to fall on a Sabbath (see R. H. 29b, Sukkah 42b-43a, Meg. 4b: נזירה שמא יטלנו בידו... ויעבירנו ד' אמות ברה"ר, והיינו טעמא דלולב, והיינו טעמא דמגלה.

[101] Cf. R. 'Aḳiba's statement (Men. 36b): יכול יניח אדם תפלין בשבתות וביום טובים? ת"ל: והיה לאות על ידך וכו' מי שצריכין אות יצאו שבתות ויום טובים שהן נופן אות. This really applies only to Sabbath (Ex. 31.17). See also Mekhilta of R. Simon b. Yoḥai (ed. Hoffmann, p. 34). In the other Mekhilta (Bo. c. 17) the statement is ascribed to R. Isaac which seems more likely.

[102] See Jerome to Mt. 23.6 (in Migne, *Patrologia Latina*, vol. 26, col. 174) hoc Pharisaei male interpretantes (sc. Dt. 6.8) scribebant in membranulis *Decalogum Moysi*, id est decem verba legis, complicantes ea, et ligantes in fronte, et quasi coronam capitis facientes, ut semper ante oculos moverentur. Likewise to Ezek. 24.15 (ibid, vol. 25, col. 230, top): Aiunt Hebraei hucusque Babylonios magistros, Legis praecepta servantes, *decalogum scriptum* in membranulis circumdare capiti suo, et haec esse quae jubeantur ante oculos et in fronte pendere, ut semper videant quae praecepta sunt. Et quia Ezechiel

mention the Shema' in the Tephillin. But when we consider that originally the Decalogue preceded the recital of the Shema' in the service having been eliminated some time after the destruction of the Temple (probably at the beginning of 2nd century C. E.) in order to deprive the heretics of one of their arguments against the divine origin of the entire Torah, Jerome's account becomes intelligible. We may safely assume that the Tephillin prior to the elimination of the Decalogue from the daily morning service really contained five Biblical sections, viz. the Decalogue, שמע, קדש and והיה כי יביאך, והיה אם שמוע (Deut. 5.6–18, 6.4–9, 11.13–21, Ex. 13.1–10, 13.11–16). The section from Exodus was chosen because of the mention of אות and טוטפות and at the same time referring to the redemption from Egypt it well corresponded to the usual third section of the Shema', viz. Numbers 15.37–41, which likewise concludes with a reference to יציאת מצרים.[103] When, however, the Decalogue was eliminated from the service it had also to be eliminated from the Tephillin. Jerome may have seen such early phylacteries and looking only at the beginning of the strip of parchment within he noticed first the Decalogue. Had he read on he would have found there subsequently the Shema' and the other sections. It may also be that the Tephillin Jerome saw belonged to a heretic who disobeyed the ruling of the Rabbis.[104] The Mishnah (Sanh. 11.3) clearly reflects the time when the Tephillin included the Decalogue and hence had five sections in stating: חומר בדברי סופרים מדברי תורה. האומר אין תפלין כדי לעבור על דברי תורה פטור, המשה טוטפות להוסיף על דברי סופרים חייב. Now what could these five Ṭoṭafot (viz. five compartments of the phylactery on the head) contain if not the Decalogue that pre-

sacerdos erat, nequaquam eum debere deponere coronam gloriationis, sed ligatam habere in capite. Hoc illi dixerint. The interpretation of פאר as Tephillin is reported in the name of Rab (Sukkah 25b, cf. Ber. 16b, top).

[103] The order of the Biblical portions in the Tephillin, given in Men. 34b, refers already to the time after the elimination of the Decalogue. See *infra*, note 106, about the position of the Shema' section.

[104] Cf. M. Megillah 4.8 about the different way of putting on Tephillin used by the Minim. Cf. also Blau, *J. E.*, X, 27, col. 2, who thinks that Jerome was incorrect in this account. But our explanation solves the whole difficulty. Nor is the Nash Papyrus with the Decalogue before the Shema' heretical as Blau seems to think (see above p. 40).

ceded the Shema'? The phraseology of the Mishnah makes the Tephillin containing four Biblical sections already Sopheric but the change only took place after the destruction of the Temple long after the so-called period of the Sopherim.[105]

One can even venture to suggest that the outward indication of the letter Shin on the head phylactery was ordained after this change to proclaim to all that the Tephillin began with Shema' (there being no room enough on the בית to write the word שמע in full, hence only letter ש was enough for the indication).[105a] Therefore the letter appears on one side of the capsule containing the Biblical sections in the usual form (שמע=ש) and on the other side with four tittles on the top (שׁ) indicating that there were only *four sections* inside![106] Later on the Shin on the head

[105] Interesting is the discussion in Siphre (ed. Friedmann, p. 74b), which reflects the earlier time when the Tephillin contained the Decalogue: ועדיין אני אומר: והרי קדש לי והיה כי יביאך שקידמום מצות אחרות הרי הם בקשירה, עשרת הדברות שלא קידמום מצות אחרות אינו דין שיהו בקשירה? אמרת קל וחומר וכו' Cf. also par. 34 (p. 74a) which also reflects the elimination of the Decalogue from the daily recital prior to the Shema' (י' הדברות שלא קדמום מצות אחרות אינו זדין שיהו בשנון)

[105a] For a similar abbreviation cf. R. Judah's statement (Yer. Meg. 71a, l. 20): אדר השני כותב חי (=חיניין) ודיו. Cf. the different version in Meg. Ta'anit, end in Neub., *Med. Jew. Laron.*, II, 23). See also M. M. Sheni 4.11.

[106] This double form of Shin on the head phylactery is prescribed in the Gaonic work שמושא רבא (cited in Tos. to Men. 35a s.v. צורה דשין: שין שלתפלין דימינא ג' רישי ודשמאלא ד' רישי, ואי אפיך ליה לן בה. This was an old tradition no longer understood. The ending permitting a reversal was due to the later shifting of the order of the Biblical sections (see end of this note). Originally, after the elimination of the Decalogue, the Shema' was purposely put on the right side of the capsule, outside of which was the letter ש=שמע.

The arrangement of the Biblical sections in the Tephillin underwent changes and was by far not fixed uniformly, as is evident from Men. 34b; ת"ר: כיצד סדרן? קדש לי והיה כי יביאך מימין, שמע והיה אם שמוע משמאל. והתניא איפכא? אמר אביי: לא קשיא, כאן מימינו של קורא, כאן מימינו של מניח, והקורא קורא כסדרן. The second version of the Baraita was evidently the original form. Formerly there was included the Decalogue too as in the daily service. After its elimination there remained 4 sections beginning with Shema' which took its place on the right side of the capsule where outwardly there was (and still is) the letter ש=שמע. Then followed והיה כי יביאך and והיה אם שמוע, קדש לי, the last being placed on the left side of the capsule outside of which we have the letter Shin in the form שׁ to indicate that there were only 4 sections. But the desire to have the sections in the order of their occurence in the Pentateuch resulted in a re-

phylactery was regarded as a law to Moses from Sinai (שין שבתפלין הלכה למשה מסיני) because its real purpose was no longer known.[107] The still later explanation of Shin as forming the word שדי together with the knots of the head phylactery in the form of ד and of the hand phylactery in the form of יוד need not detain us long.[108] Beside its late origin it overlooks the fact that the hand phylactery was worn covered and that even the knot of the phylactery on the head was not always visible whereas symbols are essentially instituted for outward appearance manifest to all. All this only shows how successfully the Rabbis succeeded in removing the traces of the earlier Tephillin containing five Biblical sections so that the Tephillin in their new form became to

shifting of the sections. Even after this reshifting the section Shema' still remained on the right side of the capsule (where Shin is marked on the outside) in many Tephillin and should be so according to R. Tam, who is supported by Garonic evidence (see Tos., ibid, s. v. והקורא ומפרש ר"ת קדש והיה כי יביאך של קורא ומשמאל של קורא הוי שמע מבחוץ ואחריה (viz. on left side of the capsule) והיה אם שמוע מבפנים וכו'.) Cf. also Maimonides instructive responsum on the subject (קובץ תשובות הרמב"ם, I, No. 26, and in כסף משנה to תפלין ה' משנה תורה, 3.5), where the reference to another Moses b. Maimon, of Cordova, who had composed a work on Tephillin, is rather suspicious.

[107] Men. 35a: ואמר אביי שין של תפלין הלכה למשה מסיני. Baḥya b. Asher (כד הקמח, Lemberg, 1872, 116a) quotes similar statements of Abbaye with regard to ד' דל"ת של ת' and יו"ד של ת' but this reading is unwarranted (see note 108, end).

[108] Cf. the legendary account of the heated discussion between Moses (sic!) and R. Tam about the knot in the shape of יוד on the hand phylactery (given by Gedalya ibn Yaḥya, שלשלת הקבלה, ed. Lemberg, 1864, 69a, b, cf. the MS. version given by Kaufmann, *REJ.*, V. 274–5) which shows that the whole combination of the three letters שדי is very late. אמר לו משה רבינו... שהקשירה של יד ביו"ד לא צויתי לעולם ולא למדתיה, אכן חכמים תקנו אותה בסברתם להשלים שם שדי, ובשביל כך לא רצו לעשותה בראש שלא ימעו לומר שצויתים כך מאחר שאינה מצורפת עם הש' וד'.

Even with regard to קשר שבתפלין שבראש though it was regarded as הלכה למשה מסיני (see Men. 35b), it is nowhere indicated in the Talmud that it had the shape of דלת. Only later on the passage in the Talmud (ibid.): וראו כל עמי הארץ כי שם ה' נקרא עליך וכו'. תניא ר"א הגדול אומר אלו תפלין שבראש, suggested the combination of a Divine name, viz. שדי. So Rashi: שכתוב בו רוב השם שין ודלת שם ה'... (cf. also s.v. קשר) but Tosafot rightly objects to this: ונראה דדלי"ת ויו"ד שברצועות לאו אותיות גמורות הן ולא חשיבי מן השם של שדי... ובשום דוכתא לא קרו להו כי אם קשר של תפלין. A still later explanation of letter ש as being רמז לשכינה is given by Baḥya b. Asher (כד הקמח, 115b, 116a).

be regarded as being of hoary antiquity and the outward indication such as Shin became a matter of guessing. All this was due to their struggle against the Minim and to their desire to obliterate as much as possible the details of this strife in order not to arouse new controversies.

The symbol of Tephillin just as that of Ṣiṣit was employed by the Pharisees as a means in their endeavor to intensify the Jewish religious life and make it pervade everyday activities. The Rabbis and their disciples began to wear Tephillin the whole day, even after the divine service, in order to symbolize their constant awareness of "the yoke of the kingdom of heaven" for the acceptance of which the Shema' was the official declaration. Of this custom first mention is made in Talmudic reports referring to the 1st century, C. E. It combined both a religious as well as a sort of political demonstration inasmuch as the spiritual מלכות שמים was still staunchly hoped for by Israel though *de facto* Palestine was under the mundane, wicked rule of Rome (see also above, p. 246). Whereas the Tephillin of the Ḥasid in the time of Simon b. Sheṭaḥ (Yer. Ḥag. 77d) probably were those used only at prayer and likewise those of Shammai, which he had from his maternal grandfather,[109] we hear of R. Yoḥanan b. Zakkai that he constantly wore the Tephillin both in winter and in summer and that his disciple R. Eliezer b. Hyrcanos followed suit.[110] The whole account shows that this was regarded as an act of extreme piety, especially in the summer when the heat made the wearing of Tephillin the whole day very uncomfortable.[111] Needless to say ordinary people, who had to labor either in the field, the

[109] Mekh. Bo., c. 17, end, Mekh. of Simon b. Yoḥai (ed. Hoffmann, p. 35, top). In Yer. Erubin 26a this is reported in the name of Hillel and not of Shammai.

[110] Yer. Ber. 4c, l.10; רבן יוחנן בן זכאי לא הווה תפילוי וענין מניה לא בקייטא ולא בסיתוא, וכך נהג ר' אליעזר תלמידו אחריו. R. Eliezer b. Hyrcanos wore his Tephillin even on his death bed (see the story in Yer. Sabb. 5b, bottom, Babli Sanh. 68a, Ab. de R. Natan, c. 25). Joshu'a b. Ḥananya, another famous disciple of R. Yoḥanan b. Zakkai, also seems to have worn the Tephillin constantly as is evident from the Sabb. 127b.

[111] Hence R. Yoḥanan b. Nappaḥa would wear the head phylactery the whole day only in winter, ibid., l. 11: ר' יוחנן בסיתוא דהוה חזק רישיה הוי לביש תרויהון, ברם בקייטא דלא הוה חזיק רישיה לא הוה לביש אלא דאדרעיה.

workshop or in the market place, could not follow this Pharisaic example of piety. In this respect Dr. Büchler (*Galil. 'Am-Haareṣ* p. 23, note 1) is right in emphasizing that only some scholars would practice this extreme symbolism of קבלת עול מלכות שמים. It was also regarded as a sign of piety to enlarge the phylacteries in size in spite of the discomfort of their heaviness in wearing them and hence the Pharisees are accused of doing this only to show off before people (Matthew 23.5), though it is not certain whether this refers to the phylacteries worn only at prayer or whether also during the whole day. The wearing of Tephillin the whole day as an act of piety naturally gave rise to abuses by hypocrites as is evident from the story in Yer. Ber. 4c top.[112] A foolish Ḥasid (חסיד שוטה) is illustrated by the example of his passing by a river and seeing a child drowning but delaying to go to its rescue till he takes off his Tephillin (in order not to desecrate them) while in the meanwhile the child is perishing.[113]

How far the common people practiced the custom of Tephillin even at prayer is difficult to ascertain. R. Meir is reported to say that "there is no man in Israel, who is not surrounded by Mişvot, viz. Tefillin on his head and arm and other symbols (Tos. Ber. 7.25: אין לך אדם מישראל שאין מצות מקיפות אותו, הפלין בראשו ותפלין בזרועו, ומזוזה בפתחו וארבעה ציציות מקיפות אותו, cf. also Yer. Ber. 14d). Probably R. Meir meant here that at least some of these Mişvot were kept by every Jew and should not be taken to reflect his actual experience of conditions in Palestine either before or after the Hadrianic persecutions. Moreover, this statement appears anonymously in quite a different form in Men. 43b.[114] Laborers in the field, or even in the homes of their

[112] עובדא הוה בחד בר נש דאפקיד נבי חבריה וכפר ביה, א"ל: לא לך הסנית אלא לאילין דברישך הסנית. Cf. especially Pes. R. c. 22 (ed. Friedmann, 111b): שלא תהא תפלין נושא וטליתך עוטף והולך ועובר עבירות.

[113] Yer. Soṭah, 19a, l.14 ff: אי זהו חסיד שוטה? ראה תינוק סבעבע בנהר, אמר: לכשאחלוץ תפילי, אצילנו. עם כשהוא חולץ תפיליו, הוציא זה את נפשו.

[114] Joshu'a b. Hananya characterises the 'Am-Ha-areṣ as not putting on Tephillin (viz. even at prayer), Ber. 46b, but in Soṭah 22a this statement is anonymous in reply to R. Meir, who had a more lenient view that the 'Am-Ha-areṣ be only stigmatised as such, if he does not recite the Shema'. This would show that R. Meir was fully aware of the fact that the laborers could not prac-

employers, early in the morning evidently recited the Shema' and the Tefillah without putting on Tephillin (see Ber. 16a where Tephillin are not mentioned at all). Whatever may have been the extent of the prevalence of Tephillin before the Hadrianic persecutions, the prohibition of Judaism in the years 135–138 (or thereabouts) made the wearing of the Tephillin especially dangerous because of their conspicuousness and tended to bring about laxity in the practice even after the removal of Hadrian's edicts by Antoninus Pius. The danger of Tephillin during this time of persecution is alluded to in M. 'Erubin 10.1 (ובסכנה מכסן והולך) and in Sabb. 49a (also 130a) in connection with the story of Elisha בעל כנפים.[115] Informers (*à la* Aḥer) probably pointed out to the government that the Tephillin, like the Shema' contained therein, had a special signifiance as a symbol of קבלת עול מלכות שמים as against the rule of Rome.[116] On account of the obvious danger people stopped putting on Tephillin even at prayer not to speak of wearing them in the streets. Only a saint like Elisha בעל כנפים would expose himself to the danger. The discontinuance of the custom led to laxity even after Hadrian's time as is characteristically admitted by R. Simon b. El'azar, a disciple of R. Meir (Sabb. 130a).[117] On the other hand the scholarly refugees from Palestine, who had sought safety in Babylon from Roman

tice this custom even at prayer. However, R. Meir's statement in Soṭah is reported in Ber. in the name of Eli'ezer b. Hyrcanos.

[115] Schorr (החלוץ, V, 15) rightly suggests that בעל כנפים really meant a member of the Ḥaberim, who observed Levitical purity (cf. Bekhorot 30b; מקבלין לכנפים ואח"כ מקבלין לטהרות), though his identification with the Essenes is not warranted. The explanation of the name in connection with the miracle of the Tephillin in Sabb. 49a is of course legendary but the prohibition of wearing Tephillin during the Hadrianic persecution reported there is quite historical.

[116] Complete acceptance of this obligation (in the words of R. Yoḥanan, Ber. 14b, bottom) consisted of Tephillin, Shema' and 'Amidah, הרוצה שיקבל עליו עול מלכות שמים שלמה, יפנה ויטול ידיו ויניח תפלין ויקרא ק"ש ויתפלל, וזו היא מלכות שמים שלמה. Though R. Yoḥanan lived long after the Bar Kokhba period, he no doubt reflects in this respect the sentiment maintained by the leading Rabbis centuries before.

[117] תניא ר"ש בן אלעזר אומר: כל מצוה שמסרו ישראל עצמן עליהם למיתה בשעת גזרת המלכות (בשעת השמד, a. l., better see ד"ס) כגון ע"ז ומילה, עדיין היא מוחזקת בידם, וכל מצוה שלא מסרו ישראל עצמן עליה כגון תפילין, עדיין היא מרופה בידם.

persecution, were especially zealous in spreading the custom in Babylon, as is reported by Sherira Gaon (see *infra*, note 122). But there too only some scholars would wear Tephillin the whole day (like Rab and others.)[118] This continued later on to be the custom of the Geonim and the members of the academies.[119] But how far the ordinary people in Babylon made use of the symbol of Tephillin even at prayer is not evident.[120] Yet no doubt the insistence of the Rabbis gradually exerted its influence to make Tephillin the regular feature for all daily worhshippers in the synagogues.

To sum up our discussion, the symbolism of Tephillin was meant primarily to emphasize the acceptance of "The yoke of the kingdom of heaven." Originally connected with the recital of the Decalogue and the Shema' in the morning, the symbol was extended to the whole day by the Pharisees in their endeavor to make the consciousness of their religious ideal the guide of their whole daily life. This extension was only meant for the scholarly class but it had its reaction in the ordinary people being lax in using the symbol of Tephillin even at prayer because the wearing of Tephillin the whole day became to be regarded as an act of extreme piety. The Hadrianic persecutions had their share too in weakening the practice of the symbol. The Rabbis, especially in the 3rd century C. E., would endeavor to emphasize the importance of the symbol, some of them even resorting to the mystical fancy of God too wearing Tephillin (see Men. 35b and Ber. 6a). Their chief aim was to establish firmly this custom at prayer (see Ber. 14b, bottom, and 15a, top). On the other hand the wearing of Tephillin the whole day by all and sundry was not encouraged. It gave

[118] Among the ten points of extreme piety attributed to Rab (עשר מילי דחסידותא) the 9th was: שהיה רגיל תדיר בתפלין ונהג רב ששת אחריו (ש"ת, No. 178). The passage hints that the other disciples did not follow him in this practice.

[119] Cf. Gaonic Responsa חג"ת, No. 84, ש"ת, No. 153 (in responsum of Sar Shalom); ג"ל, No. 3; תש"ר, I, 36 top, 46.

[120] Rab characterises a sinner as one who fails to put on Tephillin (R. H. 17a: מאי ניהוז אמר רב: קרקפתא דלא מנח תפלין (פושעי ישראל בגופן). But other readings have Simon b. Lakish instead of Rab.

cause to abuses by hypocrites. Hence R. Yannai (1st half of 3rd century) came out with the statement that תפילין צריכין נוף נקי.[121] He, no doubt, meant by it the wearing of them the whole day. But it was interpreted by several people in Gaonic times to refer even to Tephillin at prayer and it thus led to a general laxity of practice. The Geonim, when asked about their opinion, were eager to combat this tendency. Instead of clearly stating that R. Yannai referred only to wearing Tephillin the whole day, they explained away his statement to deal only with the time of persecution. They were misled by the gloss כאלישע בעל כנפים in Sabb. 49a (see note 121) to construe the whole statement of R. Yannai as dealing with the time of the Hadrianic persecution.[122] The obscurity prevailing about the meaning of R. Yannai's statement contributed greatly to the general laxity of wearing Tephillin even at prayer especially in Western Europe, viz. in France and Spain. As late as 1235 R. Moses of Coucy during his travels in the Provence and in northern Spain had to bestir himself to impress in his sermons his audiences with the duty of Tephillin at prayer.[123] This is the case with many a rite that in course of time

[121] Yer. Ber. 4c, l.6: אמר רבי ינאי: תפלין צריכין נוף נקי. מפני מה לא החזיקו בהן? מפני הרמאין וכו'. It is doubtful whether from מפני is also by R. Yannai. In Babli (Sabb. 49a, 130a) R. Yannai is supposed to illustrate his remark by the example of Elishah בעל כנפים but in reality it seems a later insertion.

[122] See the responsum attributed to R. Yehudai (ה"פ, No. 62; ש"ת, No. 153 תש"ר, I, 45): ואם בא אדם לומר: תפילין צריכות נוף נקי כאלישע בעל כנפים, כך פי' חכמים: במה דברים אמורים בשעת השמד. Still more instructive is Sherira's responsum (שבה"ל, ed. Buber, p. 382, cf. *'Ittur*, ed. Lemberg, II, 26d, where it is ascribed to his son, Hai, the responsum probably emanating from father and son combined): אמור רבנן פושעי ישראל בנופן... ומפרש ר' שמעון בן לקיש: פושעי ישראל מן נינהו? קרקפתא דלא מנח תפילי. והאידנא מאי טעמא מזלולי בהו רובא דעלמא? (In *'Ittur* the reading is רבנן דעלמא which would then refer to wearing them the whole day). אי משום דאלישע בעל כנפים, פירשו כבר הגאונים הראשונים ההיא בשעת הנזרה. ויש מקומות שהתלמידים מניחין תפילין, מי מיחזי כיוהרא או דילמא קיומא נ(ז)מצוה עדיף? (Here again it would seem that the point concerns the wearing of them the whole day).

Sherira's reply was: (better הכין חוינא, דבא"י מימות הראשונים כיון דנפישי נזרה, ולא יכילו לאחותי (better תפלין אשתכח מיניקין in *'Ittur*: דנפיש שמדא, המזהירים בהון וביותר יושבי מדרשות (better in *'Ittur*: מנהון בבבל) בבבל.

[123] About France see Tosafot to Sabb. 49a, s.v. כאלישע: ואין תימה על מה שמצוה זאת רפויה בידינו שגם בימי חכמים היתה רפויה. R. Moses of Coucy in סמ"ג, עשין, par. 3, gives us fuller information about the laxity of observance:

lose their original symbolic significance and are practiced only by force of tradition. But even to rites the proverb הכל תלוי במזל can be applied. Some of them captured the imagination of the people and were scrupulously observed. Others, like Tephillin, had to go through a long time of neglect till they found a semblance of general observance.

3. The Time of Blowing the Shofar on New Year.

The most significant feature of the New Year celebration was the blowing of the ram's horn (Shofar). It should have therefore introduced the divine service of the day and yet it is connected not with Shaḥarit service but with the Musaph. This change of time is traced back to the Hadrianic persecutions. Thus R. Yoḥanan explains the direction of the Mishnah (R. H. 32b) for the reader of Musaph to initiate the sounding of the Shofar as due to an occasion at "the time of perseuction."[124] Rashi's explanation that government officials would wait in the synagogues till the completion of Shaḥarit about midday in order to enforce the prohibition of תקיעת שופר, whereupon after their departure the Shofar was clandestinely sounded at Musaph,[125] is hardly to the point

כך דרשתי פרשה זו בגליות ישראל להוכיח שכל אחד ואחד חייב בתפלין ומזוזות... עוד זאת דרשתי להם כי יותר חפץ הקב"ה באדם רשע שיניח תפלין מאדם צדיק, ועיקר תפילין נצטוו להיות זכרון לרשעים ולישרם דרך טובה, ויותר הם צריכין זכר וחיזוק מאותם שנדלו ביראת שמים כל ימיהם... ויהי אחר ד"א ותתקצ"ה שנים לבריאת עולם היתה סיבה מן השמים להוכיח, ובשנת תתקצ"ו (1236) הייתי בספרד להוכיחם, ואמץ הקב"ה זרועותי בחלוקות היהודים ובחלוקות הגוים וחזיונות הכוכבים, ויט עלי חסדו ותרגז הארץ ותהי לחרדת אלהים ועשו השובות נדולות וקבלו אלפים ורבבות מצות תפילין מזוזות וציצית, וכן בשאר ארצות הייתי אחר כך ונתקבלו דברי בכל הארצות. Cp. also כר הקמח (115b): יש מתרשלין במצות תפלין שאינן זהירין בהנחתן ספני שחושבין שהתפלין צריכין קדושה וטהרה יותר מדאי וכו'.

[124] (משנה) העובר לפני התיבה ביו"ט של ר"ה השני מתקיע... (ממרא) מאי שנא הלל דבראשון (בשחרית .viz) משום דזריזין מקדימין למצות, תקיעה נמי נעביד בראשון משום דזריזין מקדימין. For נזרת המלכות, a phrase due to the censor, all Talmudic MSS. as well as other authorities have שעת השמד (see ד"ס, *a.l.*) which in the Talmud mostly means the Hadrianic persecution. למצות? אמר רבי יוחנן: בשעת נזרת המלכות שנו

The Hif'il מתקיע indicates that the reader gave the direction for the sounding (by announcing תקיעה, etc.) to the בעל תוקע. Had he himself blown the Shofar, the Ḳal תוקע would have been used.

[125] Rashi (ibid., s.v. בשעת): אויבים נזרו שלא יתקעו, והיו אורבין להם כל שש שעות לקץ תפלת שחרית, לכך העבירוה לתקוע בסוספין. The same explanation is repeated in Vitry, p. 385 (cf. p. 352 in responsum of Joseph Bonfils), *Or*

because during the Hadrianic persecutions the whole Synagogal service was proscribed. Moreover, the authorities would no doubt be attracted by the sound of the Shofar. Rashi had in mind the details in connection with the prohibition of the Shema' by the Byzantines (above, p. 259) when the rest of the Synagogal service was more or less permitted. Of course, during the Hadrianic persecution there were cases of clandestine fulfilling of תקיעת שופר by injecting the sound into a pit or a vat as is evident from the Mishnah (ibid. 27b, top)[126] But open services were altogether prohibited and there could be no alternative of תקיעת שופר at Musaph instead of at Shaḥarit.

With the help of the parallel passage in Yer. R. H. (59c, ll.48 ff.)[127] we can understand R. Yoḥanan's statement better. It was evidently towards the end of the persecution (known as שלפי השמד),[128] after Hadrian's death (138 C. E.) and at the beginning of Antonius Pius' reign, when the rigor of the persecution was relaxed and the local Roman authorities would allow the Jews in certain pacified districts to resume their religious practices while in other places, still under suspicion of harboring some turbulent elements of the population, watchfulness was still maintained. It would occur that the sounding of the Shofar caused excitement among the Roman garrison as a revolutionary signal especially when a multitude was assembled in one place, albeit in a house of worship.[129] This time of unequal conditions prevailing in Palestine at the end of the persecutions seems to be reflected in the

Zaru'a, II, par. 264, שבה'ל, ed. Buber fol. 143 a.b., Tanya, ed. Hurwitz, p. 160. Only R. Ḥananel rightly quotes Yer. for the proper explanation.

[126] התוקע לתוך הבור או לתוך הדות או לתוך הפיטס, אם קול שופר שמע יצא, ואם קול הברה שמע לא יצא. Hai Gaon (cited in ש"ש, I, 35, bottom) rightly explains this passage: שהם (read דברים הללו היו צריכין להם בימי השמד והטלכיות ונזרות הטלכיות מתיראים מהם מלתקוע בגלוי.

[127] רבי יעקב בר אחא בשם רבי יוחנן: מפני מעשה שאירע. פעם אחת תקעו בראשונה והיו השונאים סבורין שמא עליהן הם הולכין ועמדו עליהן והרגום. מינו דאינון חמי לון קראו שמע ומצליין וקוראין באורייתא ומצליי ותוקעין, אינן אמרין בניסוסין אינון עסיקין. About the variants see Ratner (אהבת ציון וירושלים, to R. H., pp. 47–48). Several authorities (like Isaac ibn Gayyat in ש"ש and others) seem to have had in Yer. the following ending, ואע"פ שבטל השמד התקנה לא זזה ממקומה.

[128] Cf. the meeting at Usha which took place בשלפי השמד (Cant. R. 2.5).

[129] Cf. Amos 3.6: אם יתקע שופר בעיר, ועם לא יחרדו?

Baraita (Yer. R. H., 59d top) stating that in one place the actual sounding of Shofar would take place while in another only a benediction over the Shofar would be recited.[130] One such an occasion, when the sudden sounding of the Shofar on New Year caused a panic in the Roman camp at a certain place in Palestine and resulted in an attack on the Jews assembled for worship, is reported by R. Yoḥanan. Hence, to assure the Roman authorities, the Jews would assemble in their synagogues on New Year and first occupy themselves with the Shaḥarit service and the reading of the Biblical portions. The authorities, suspicious of the Jewish assemblies,would become convinced that they were purely religious gatherings and would not be alarmed when the Shofar was sounded. This new arrangement thus remained in force even after the conditions that had called it forth had long passed in the course of time.

In the absence of another tradition R. Yoḥanan's report deserves credence as he was informed in historical matters (see Bacher, *Ag. d. Pal. Amor.*, I, pp. 207–08). Only later on R. Alexander gave an homilectic reason for the new custom as if to justify its retention even after the echoes of the Hadrianic persecution had long subsided.[131]

Conclusion.

The details discussed above, disregarding those dealt with in the last section (V), illustrate the struggle of the synagogue of Israel in the Magian-ridden empire of the Sassanids and still more

[130] בכל מקום אחד תוקעין ובמקום אחד מברכין, which *'Iṭṭur* (ed. Lemberg, II, 43b, middle) correctly interprets (probably on the basis of Gaonic tradition): ומסתברא בימי השמד שמתיראין לתקוע בגלוי.

The question arises whether the whole benediction for תקיעת שופר was not instituted during the Hadrianic persecution as a substitute for the actual sounding of the Shofar which had been proscribed (see the discussion in Yer. R. H. 59d).

[131] See Pes. R. c. 40 (ed. Friedmann, 167b, 168a): אמר רבי פנחס בשם רבי יהודה בן לוי בשם רבי אלכסנדרי: למה אין תוקעין מן התפלה ראשונה אלא בתפלת מוספים? כדי שבשעה שהם עומדים בדין יהיו מצויין כליאי מצות הרבה ויזכו בדין וכו'.

Vitry, p. 385, correctly remarks that the retention of the custom later on was due to this homily: וכשבטלה הגזרה לא זזה מז המנהג ממקומו (read ממקומה וסמכו על האמור בפסיקתא וכו' (read, וסמכו על האמור בפסיקתא וכו'.

in Palestine under the rule of Christian Byzantium. In essence this struggle turned on the freedom of giving public expression to the basic principle of Judaism, Monotheism, though other aspects, such as the teachings of the Rabbis, figured therein. In the long run the synagogue prevailed in obtaining this freedom. The modification of such an item as ברכת המינים, to remove its direct denunciation of the members of another faith, was a step in the right direction leading towards the acquisition of this freedom. The same applies to the adoration עלינו, on the whole a liturgical composition of sublime aspirations, yet marred at its beginning by a marked disparagement of the non-Jew.[132] These verbal disparagements are echoes of the times of trial and tribulation when amidst an environment of general religious intolerance the Jew was out of all proportion wronged as against his own wrongs to others. The protest of his outraged feelings found expression in the Seliḥah and in the Ḳinnah—varieties of the Piyyuṭ that seems to have been the outcome of Justinian's interference with the divine service of the synagogue—rather than in the original liturgy the bulk of which dated from before the era of religious intolerance. It is this original liturgy, though modified in course of the ages, that still forms the basis of the divine service of the synagogue of today.

Appeendix (to pages 249–51).

DATE AND PLACE OF REDACTION OF SEDER ELIYAHU RABBA AND ZUṬṬA.

The various views about the time and the place of the authorship of this bi-sectional midrash are fully discussed by Friedman in his מבוא (pp. 91–102) and need not be entered in here again in detail. Theodor in his review of this מבוא (*M. G. W. J.*, vol. 47, 70–79), in criticizing Friedman's theory of assigning the work actually to the time of the Amora R. 'Anan, offers no suggestion of his own on the problem. The last to discuss the work is

[132] About this adoration see Elbogen 80–81; cf. also Berliner, *Randbemerkungen*, I, 47–8, 49–50. Its daily recital at the end of the service is dated by Elbogen at about 1300. However, Vitry, p. 75, has it already with the

Eppenstein (*Beiträge zur Gesch. u. Liter. im Geon. Zeitalter*, pp. 182–3), who fastens himself on one detail, viz., the designation of the non-Jew as גוי, to come to the conclusion that the redactor did not live in a Muslim country but in a Christian environment, in Southern Italy, forgetting that if the work referred to conditions in Babylon in the Sassanid period, this expression גוי, even if granting Eppenstein's contention (already used by Güdemann) for argument's sake, would fit in well. G. Klein's curious theory (*Der Älteste Christliche Katechismus u. die Jüd. Propaganda-Literatur*, 1909, 68 ff.) that our work, in its original form, contained a program of proselytising for the heathens and was modified by a redactor living during the Crusades (sic!) need hardly be taken seriously. The writer is concerned with impressing upon *his own people* the ethics and morality of Judaism. The warnings against too intimate relations with the heathen (ed. Friedmann, pp. 45–48) are the best refutation of Klein's theory.

In discussing this remarkable Midrash the historical consideration of the general political situation of Jewry, as reflected in our work, is so often lacking. All scholars, who have assigned the redaction of this Midrash to the 10th century by reason of the late dates (see above, p. 249, and note 10), have overlooked the significant fact that nowhere is there mentioned the rule of Islām extending, as it did then, from Persia and the eastern provinces to Babylon, Syria, Palestine, Egypt and whole of North-Africa and reaching out to Europe by the occupation of Spain and also of Sicily. The great majority of the Jewish people were then living in this vast territory under the sway of the Muhammedans. The only reference in the work of the children of Ishmael, "over whom God permitted no nation to rule,"[133] evidently alludes to the more or less independent Arab tribes extending from the Arabian peninsula proper right to the confines of Babylon at the

indication to recite it quietly (ואומר בלחש עלינו לשבח) evidently because of its anti-Christian beginning. In the ritual of the English Jews before the expulsion in 1290 we find a long version also with a marked polemical allusion (*JQR.*, IV, 56–7). In the Palestinian ritual, as preserved in the Genizah fragments, עלינו seems to be given at the beginning of the daily service (see Mann, 276 and 325).

[133] Ch. 14, ed. Friedm., p. 65: ובשכר יראה קמעא שירא ישמעאל את אביו לא נתן הקב"ה רשות לכל אומה ומלכות שישלטו בבניו.

lower Euphrates. The author probably had specifically in mind the Arabs in the so-called kingdom of Ḥīra (in the neighborhood of Kufa), the rulers of which, though vassals of the Sassanids, retained a good deal of independence.[134] Of the great change to the better in the political situation of the majority of Jewry, as compared to conditions under Christian Rome and Byzantium, that resulted from the tremendous political ascendency of Islām since the death of Muḥammad and onwards, there is no allusion in our book which occupies itself so much with the sad treatment meted out to Israel by the אומות העולם depicting so poignantly their oppression and tyranny (see ed. Friedmann, pp. 15, 20, 24–5, 110, 111, 117, 120, 123, 133–4, 180, 197.)

When the author speaks of the dominions, who had shared among themselves "the world," so that Israel might survive between them and not be persecuted in its entirety were there a united rule over it,[135] he clearly refers to the two great empires of his time, viz. that of the Sassanids and of Byzantium (as Friedmann rightly maintaied, p. 114, note 11, end מבוא, p. 82). Both these empires maltreated Israel in his time, as is evident from the re-iterated complaints of oppression, but fortunately a respite was given to the large Jewries in both empires, comprising the vast majority of the Jewish people, by the very fact that the oppressive acts occurred at different times, and were not guided by a united policy. This situation did not obtain at the time of R. 'Anan at the beginning of the 4th century (against Friedmann's theory) because conditions in Babylon were really tolerable after the first flush of victory of the Magian Persians under Ardeshir (226 and following) had subsided. Likewise in the Roman empire the Jews were then still fully enfranchised, their political and civic status becoming imperilled only since the triumph of Christianity

[134] About the Arab kingdom of Ḥīra in the time of the Sassanids, see Nöldeke, *Ṭabarī*, passim, and further Rothstein, *Die Dynastie der Laḫmiden in al-Ḥīra*, 1898.

[135] Ch. 20, pp. 113–114: פ'א הייתי עובר מסקום לסקום, מצאני זקן אחד. אמר לי רבי: מפני מה חלק הקב'ה את עולמו לשני נוים, לשתי מלכות? אמרתי לו: אילמלא כל העולם כולו ביד [נוי] אחד (כמו insert) סנחריב מלך אשור ונבוכדנצר מלך בבל, עמדו ועשו בהם בישראל כרצונם. הא לא חלק הקב'ה את עולמו לשני נוים לשתי מלכות אלא כדי לשמור את ישראל.

(since 312) and especially since the reign of Constantius (from 337).

Likewise such a situation does not fit in for the 10th century (and in fact from the middle of the 7th century and onwards) when the Jews under the rule of Islām were by far better treated than under Christendom in spite of occasional outbreaks of fanaticism on the part of the dominant Muhammedans. Moreover, no author or redactor writing in the 10th century, whether in Babylon or Palestine or in Italy, would speak of "the world" (viz. the one wherein the bulk of Jewry was concentrated) as divided among two nations and *two empires* (שתי ממלכות), when the Jews in Christian Europe belonged to different dominions (Byzantium, the German empire, France, etc.) and when the Muhammedan world was split up into three Caliphates, viz. the 'Abbasid Caliphate centered in Bagdad, the Fāṭimid one centered in Mahedia, near Kairowan, and then after the conquest of Egypt in 969, in Cairo, and the Omayyad one centered in Cordova.

The political background of the Jewish situation, as evident from a close study of our Midrash, leads us to the second half of the 5th century when the large Jewry in the Sassanid empire began to experience real religious persecution since the fanatical outbreaks of Yezdejerd II in 454–5, followed by that of his son Perōz. This coincided with the chronic intolerance against the Jews prevalent in Byzantium and resulted in a general לחץ ישראל, in spite of which Israel was preserved, because in its vast majority it was under "two nations and two dominions," viz. Persia and Byzantium, so often at war with each other and not pursuing a unified policy with regard to the treatment to be meted out to the Jews.

There is further a clear reference to the Magians in Babylon and to their power in the state quite at the very beginning of our Midrash which those scholars, who assigned the work to the 10th century, ought to have first accounted for, in view of the elementary historical fact that the political power of the Magians came to an end with the overthrow of Sassanid Empire by the Muslims in 639. The author relates[136] of an official raid (evidently against

[136] Ch. 1, pp. 5–6: פ״א הייתי מהלך בכרך נדול שבעולם, והייתה שם תשחורת, ותפסוני והכניסוני בבית המלך, וראיתי שם מטות מוצעות וכלי כסף וכלי זהב שכונחין. . . בא אלי חבר אחר

the Jews) in "a great city in the world" (probably Ctesiphon, the capital of the Sassanids) in the course of which he himself was arrested. A Magian priest (חַבָּר)[137] had an argument with him about matters of difference between Judaism and Zoroastrianism, viz. why God had created repulsive creatures (שקצים ורמשים) which, according to Zoroastrian teaching, would be the work of Ahriman, the god of darkness and evil, and about the symbol of fire (light) as emanating from Hormuzd (Ahuramazda). This priest promised the captive his freedom, if he answered his questions, which indicates the political influence the Magians had on the government officials, whose raid probably was the result of the former's instigation. Such a situation obtained in Babylon and in Persia under the Sassanids, especially under Yezdejerd II and Perōz, who were dominated by the powerful Magian priests, but certainly not under the rule of Islām, not to speak of Italy where such a situation does not apply at all. The statement that "God created everything in His world except falsehood and iniquity" (Zuṭṭa c. 3, ed. Friedm. p. 175)[138] also seems to be directed against the Dualistic doctrine of Zoroastrianism that divided the creation between Ahuramazda and Ahriman.

Further indication of the author's familiarity with Jewish conditions in Babylon we have in the story of his visit to "a large city in the Diaspora of Babylon" inhabited entirely by Jews.[139]

ואמר לי: סופר אתה? אמרתי לו: משהוא. אמר לי: אם האמר לי דבר זה שאני אומר [לך] לך לשלוב. אמרתי לו: אמור. אמר לי: מפני מה ברא אלוה שקצים ורמשים?... אמר לי: אהם אומרים אש אינה אלוה, מפני מה כתיב בהורתכם, אש תמיד'?

See also Friedmann, מבוא, p. 82. Reifmann's emendation (cf. ibid 94, note 3, end) בכרך נדול שבעילם is unnecessary, as probably Ctesiphon, the capital of the Persian empire, is meant.

[137] About the fanaticism of these Magian priests, see the Talmudic passages cited in 'Arukh s.v. חבר (ed. Kohut, III, 339–40).

[138] הכל ברא הקב"ה בעולמו חוץ ממידת השקר שלא ברא, ומידת עוול שלא ברא.

[139] Ch. 18, p. 100: פעם אחת הייתי מהלך בתוך גולה של בבל, ונכנסתי לעיר נדולה שכולה ישראל ואין בה גוים. Graetz (*Geschichte*, v., 4th ed., p. 335, note 2) takes בבל in our book to denote Rome in order to assign the work to Italy. But for this there is no proof. The above story certainly applies better to the large Babylonian Jewry where there would be cities entirely inhabited by Jews.

Graetz's further remark that "the twice repeated phrase: Gog and Magog's punishing judgment *has already* befallen the peoples (c. 3 and 5) surely (sic!) refers to the devastating invasions of the Hungarians into Italy during 889–

The story of the ignorant Jew, who raised his voice at the recital of the Ḳedushah (p. 66), also refers to Babylon. In the passage dealing with the Messianic times (c. 20, p. 113) evidently the Jews of Babylon are meant who would leave for Palestine and will be maintained by their non-Jewish neighbors.[140] In Babylon the Jews would leave behind all their sins and return to the Holy Land in purity.[141] Altogether from the cryptic passage in c. 18 (p. 98 top) it appears that the view was prevalent that Elijah had first to go down to Babylon before the appearance of the Messiah.[142] The Messianic hopes possibly inspired the author to put his Midrash into the framework of an account of Elijah's experiences during his peregrinations amidst Babylonian Jewry. Of the ardent desire and hope for the restoration of Israel, voiced by the Jews of his time amidst the tribulations of oppression, there are several indications in our Midrash.[143]

The mystical manner of the book of presenting Elijah as perennially visiting Israel throughout the Diaspora (בכל מקומות

955)" is entirely unwarranted, as the text speaks of the coming and the downfall of Gog in the Messianic times! See p. 15, top: דם ובשר ושבר נוג לעתיד לבוא, על הרי ישראל, מקצת דם ובשר ושבר על לוחצינו בעולם הזה עינינו רואות תמיד בכל יום, and so on p. 24. By הרי ישראל the mountains of Palestine are meant (cf. Ezek. 36.1). Güdemann (*Geschichte des Erziehungswesens u. der Cultur der Juden in Italien*, p. 302) makes this passage to be a reference to the invasion of the Mohammedans into Italy. How theories are evolved out of misunderstood simple passages! (Cf. also Friedm., סבוא, 99, note 3).

If anything could at all be deduced from this general vague statement that Jewish oppressors are to be seen meeting with evil ends even at present, one could venture to find therein an allusion to the defeats of the Persians under Perōz at the hands of the Huns (or Haitāl) resulting in the death of this oppressive king in 492. Altogether the Huns were in the 5th century the most feared enemies of the Sassanids (see Nöldeke, *Ṭabarī*, 115, note 2, and 119 ff.).

[140] Ch. 20, p. 113: כל גוים הנשארים בארץ (viz. Babylon) הולכין לארץ ישראל ומביאים בר לחם ומזון לתוך בתיהם של ישראל.

[141] P. 129: כל עונותיהן של ישראל מניחין אותן בבבל ועולין כשהן טהורין לא"י.

[142] Ch. 18, p. 98 top: ורמז רמזתי לעולם שאני יורד תחלה לבבל, וא"כ יבוא משיח.

[143] Ch. 4 p. 19 top: כך כל חכם וחכם שיש בו דבר תורה לאמיתו ומתאנח על כבודו של הקב"ה ועל כבודן של ישראל כל ימיו, ומתאוה ומחמד ומצפה על כבוד ירושלים ועל כבוד בית המקדש ועל ישועה שתצמיח בקרוב ועל כינום גליות.

See further pp. 53; 110: זכור כמה זקנים וזקנות יש בהן בישראל שמשכימין ומעריבין לבית הכנסת ולבית המדרש, מחמדין ומתאוין ומצפין לישועתך בכל יום תמיד (repeated also on p. 112).

מושבותיהם) induced the author to clothe the accounts of his own experiences of Jewish life in the form of Elijah having discussions with the sages at בית המדרש הגדול in Jerusalem (pp. 49, 51, 80, 122) and as hailing from Yabneh "the seat of sages and Rabbis."[144] The "great school of Jerusalem" and Yabneh are only metaphors of speech whereas really the Babylonian academies are meant. This fact of the author's presentation of his own experiences in the garb of Elijah's visit to Israel in the Diaspora is probably also the cause for his abandoning the usual Midrashic style of a mixture of Hebrew and Aramaic and composing his work purely in a Hebrew, so full of choice and characteristic expressions (see the list given by Friedmann, מבוא, pp. 118 ff.), which renders it so unique in the whole Midrashic literature. Elijah, the prophet of Biblical times, transplanted among the angels, who were not supposed to understand Aramaic (according to a widely spread tradition, cf., e.g., Soṭah 33a), naturally has to recount his journeyings, arguments and experiences in Hebrew! That no author in the Amoraic period could have written a work in such choice Hebrew and would have only to employ the Hebrew-Aramaic lingo found in the Talmud, is, of course, a weak argument that hardly requires a refutation (see the pertinent remarks of Friedmann, מבוא, 131, bottom, and 132, top).

How haphazardly there was detected that "in the whole work there blows, so to say, a European air" (to use Graetz's metaphor) can be seen from the theories evolved from the references in the book to trade and commerce and to the business relations between Jews and non-Jews by Güdemann (*l. c.*, 53–54) and Eppenstein (*l.c.*, 183), as if Italy was the only country in the world wherein such conditions obtained among the Jews! In the Babylonian Talmud there are many references to the occupations of the Jews including their journeys for purposes of business. One has only to refer to those who made sea journeys (נחותי ימא, Sabb. 20b, 21a, 90a, R. H. 21a, bottom, etc.) and to those who travelled to distant Aḥwāz (בי חוזאי) which route it took a caravan to cover there and back about 12 months (cf. B. Ḳ. 112b, bottom). Nu-

[144] P. 95: מיבנה אני ממקום חכמים ורבנים, Zuṭṭa, c. 1., p. 168, top. The latter title רבן may refer to the Patriarchs who were thus styled. It certainly should not be construed in the sense of Rabbanites as against Ḳaraites.

merous data testify to their social and business relations with non-Jews in Babylon. Several statements of the Babylonian Amoraim reflect their observation of the standards of life of the non-Jews in their country.[145]

The disputes, which our author had with people knowing or accepting the Bible only but not the Oral Law, have rightly been proved by Friedmann (מבוא, 93–98) to have no bearing whatever on Rabbanite and Ḳaraite polemics, as Bacher and Oppenheim had maintained. Our Midrash rather reveals the significant fact that as late as the second half of the 5th century there were still in Babylon people who opposed the Oral Law, and that this skepticism towards Rabbinic Judaism probably continued surreptitiously in the following centuries till it was organized into a formidable movement since the times of 'Anan, the founder of Ḳaraism.

The whole evidence thus gathered from a close study of the work leads its origin back to Babylon in the Sassanid period (as Friedmann rightly maintained), however, not to the time of the Amora R. 'Anan but rather to the second half of the fifth century. The complaint of the great oppression of Israel in both world empires of that time, viz. Byzantium and Persia, reflect well conditions in the latter country since the close of the reign of Yezdejerd II (454–5). The item of the prohibition of the Shema' (above, pp. 247 ff.) strengthens this conclusion still more. W. Jabez[146] was on the right track in using the point of the prohibition of the Shema' as a clue for fixing the approximate date of our Midrash but he soon went astray in explaining this prohibition to have fallen in the time of Heraclius after his reconquest of Palestine in 629. Hence our author became a Palestinian who even alluded to the then leader of the Palestinian Jews, viz. no less a person than Benjamin of Tiberias. Atlas (in הכרם, 96–102) rightly refuted Jabez by realizing that this prohibition of the

[145] The whole matter cannot, of course, be entered in here. Cf. for the present Gezow, על נהרות בבל, 34–35, 41–43, and Funk, *Die Juden in Babylonien*, I, 18–19, 26–27.

[146] In Rabbinowitz's כנסת ישראל, I (1886), 382–86. Cf. the analysis of his arguments by Friedmann, מבוא, 98–102, but he, too, has no clear view on the matter, even venturing to suggest (p. 101) that the passage in c. 19 (p.110) הרי לך כמשיב על בניימין אחי refers to Benjamin of Tiberias!

Shema' should be connected with Yezdejerd's decree in 454–5. But he, too, soon lost his clue to go astray in his own speculation.[147]

Our dating of the book places it prior to the conclusion of the Babylonian Talmud which took place around 500 C. E. Hence the Mishnah is cited several times (שנו חכמים במשנה, see the enumeration of the passages by Friedmann מבוא, pp. 59–60) but never the Talmud as such.[148] Theodor's arguments (*l. c.*, 77–78) really do not explain this fact in the least. Why not a single Amora is mentioned by name seems rather to be due to the tendency of the author to anonymous quoting. Hence there are found many quotations beginning with אמרו, מיכן אמרו, אמרו חכמים (see the list, ibid. p. 60). But while realising this tendency it is not yet clear why he adopted this policy, though living at a time when the work of the Amoraim in Babylon was practically completed. But this is evident that had the Babylonian Talmud been before him in a complete form, as the Mishnah was, he would have used the expression שנו חכמים בתלמוד (or perhaps בגמרא) just as he introduced his Mishnaic quotations with the formula שנו חכמים במשנה. This consideration militates further against assigning the book to the 10th century when the Babylonian Talmud was the common property of Jewry all over the Diaspora. On the other hand in the second half of the 5th century the Babli, though arranged under the supervision of R. Ashi (d. 427) and his colleagues, remained still the guarded treasure of the Academies,[149] reaching its completion only about 500 and receiving still further additions and finishing touches by the Saboraim in the course of the 6th century. Living in Babylon our author also was not yet familiar with the Yerushalmi (supposedly concluded, or more correctly interrupted, about 425). A knowledge of the Yerushalmi seems to have penetrated to Babylon only later during the Gaonic period.

[147] Cf. also Friedmann's criticism, מבוא, 102, note 1.

[148] In c. 18 (p. 106) the expression תלמוד in the sentence: אף כל חכם וחכם מישראל שיש בו דברי תורה לאמתו, יש בלבבו מאה מחשבות של מקרא מאה מחשבות של משנה ומאה מיני תשובות של תלמוד means of course arguments deduced by means of the Biblical exegesis (see Bacher, *Exeget. Terminologie*, I, 199 ff.). On p. 68 (מדרש הלכות ואגדות) the word תלמוד is evidently a gloss (cf. Friedm., מבוא, p. 60).

[149] Regardless of the mooted problem whether in an oral or written form

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